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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL STAMP NO.34952 OF 2014

Vitthal Govindrao Tamake (Died) LR
Bhanudas Vitthal Tamake
Age-62 years, Occ-Agriculture
R/o Bhatsangavi, Taluka-Ahmedpur
District – Latur

APPELLANT

VERSUS

1. The State of Maharashtra
Through District Collector, Latur
2. The Executive Engineer,
Minor Irrigation,
Zilla Parishad, Latur,
Taluka and District – Latur

RESPONDENTS

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Mr. S. B. Solanke, Advocate for the appellant
Mr. S. G. Sangle, AGP for respondent State
Mr. S. S. Manale, Advocate for respondent No.2

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[CORAM : M. T. JOSHI, J.]

DATE : 12th MARCH, 2015

ORAL ORDER :

1. Admit.
2. Heard finally with consent of learned advocates for the parties.
3. Facts of the present case would show that as the present

appellant remained absent on single date on 23rd July, 2012, before the Reference Court, the matter proceeded without his evidence, though earlier he has filed affidavit in lieu of examination in chief.

4. Learned advocate for the applicant submits that in two companion reference applications, enhancement is granted by the learned Judge of the reference court on merits.

5. Taking into consideration all the facts, following order.

ORDER

- i. The appeal is hereby allowed. The order of the Reference Court is hereby set aside and instead the case is remanded back to the Reference Court for decision afresh.
- ii. Present appellant is directed to conclude evidence from his side within a period of six months and thereafter, learned Judge to make efforts for expeditious hearing of the case.
- iii. The appellant would not be entitled for statutory interest in case any compensation is granted, for the delayed period i.e. from the date of his absence in the trial court till the decision of the present appeal.
- iv. Parties to appear before the trial court on 4th April, 2015.

[M. T. JOSHI, J.]

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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 622 OF 2015
IN
FIRST APPEAL STAMP NO.34952 OF 2014

Vitthal Govindrao Tamake (Died) LR
Bhanudas Vitthal Tamake

APPLICANT

VERSUS

The State of Maharashtra & Another

RESPONDENTS

.....

Mr. S. B. Solanke, Advocate for the applicant
Mr. S. G. Sangle, AGP for respondent State
Mr. S. S. Manale, Advocate for respondent No.2

.....

[CORAM : M. T. JOSHI, J.]

DATE : 12th MARCH, 2015

ORDER :

1. Heard both the sides.
2. For the reasons stated in the application, the delay is condoned.
3. Civil application stands disposed of accordingly.

[M. T. JOSHI, J.]