

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CIVIL REVN. APPLN. NO.: 296 OF 2015

Laxman S/o Prabhau Hale (Died)
Through its LRs Lalaitabhai W/o Laxman Hale,
Age: 53, Occ.: Housewife,
R/o. Kesarjawlga, Tal. Omerga,
Dist. Osmanabad.

... **APPLICANT**
[ORIG.CLAIMANT]

VERSUS

1. The State of Maharashtra.
Through the Collector,
Osmanabad.
2. The Special Land Acquisition Officer,
Krishna Khore, Osmanabad.
3. The Executive Engineer,
Strengthening Krishna Khore,
V.D. Corporation, Omerga,
Dist. Osmanabad.

... **RESPONDENTS**
[ORI.RESPONDENTS]

Mr. Patne Santosh N., Advocate for the Petitioner.
Mr. G. O. Wattamwar, A.G.P. for the Respondent Nos.1 and 2.

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CORAM:-
DATED:-

T. V. NALAWADE, J.
14th DECEMBER, 2015.

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith. Heard both the sides for final disposal.
2. The revision is filed to challenge the judgment and

Award of Land Acquisition Reference No.892 of 2005 which was pending in the Court of Civil Judge, Senior Division, Omerga. The reference was filed under section 18 of Land Acquisition Act and is dismissed by the Court as nobody turned up to prosecute the matter and no evidence is given to show that the Petitioner was entitled to enhancement of compensation.

3. Learned counsel for the Petitioner submitted that there was communication gap between the Petitioner and his counsel and as nothing was informed to the petitioner, the petitioner did not turn up and the blame goes to the counsel. Nothing could have been achieved by the present Petitioner by not remaining present before the Tribunal. In view of decision of this Court in ***Civil Revision Application No. 155 of 2010 [Narayan Deorao Gore (Died) Through L.Rs. V/s The State of Maharashtra]*** this Court holds that opportunity needs to be given to the present petitioner to take decision on merit. The learned counsel for the Petitioner made a statement that the present Petitioner will not claim interest in respect of the period between 13th April, 2012 till today, the date of

decision by this Court. In view of this statement, the Judgment and award is quashed and set aside. The matter is remanded back to the Reference Court. The Reference Court to give opportunity to both the sides. The proceeding is to be disposed of expeditiously by Reference Court and in any case within six months from the date of receipt of this order. If no evidence is produced by the applicant and the application is not prosecuted again, the matter can be dismissed again.

[T. V. NALAWADE, J.]

Dated:14/12/2015.
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