

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

910. CA/16061/2015 In CRAFT/35602/2015

LAXMAN PRABHU HALE DIED THRU ITS LRS LALAITABAI LAXMAN HALE
V/S
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND ORS.

Mr. S.N. Patne, Advocate for applicant.

Mr. G.O. Wattamwar, AGP for respondents.

Mr. S.B. Bhosle, Advocate for respondent No. 3.

CORAM : T.V. NALAWADE, J.

DATED : 10th December, 2015.

ORDER :

1. The application is filed for condonation of delay of 1239 days caused in filing the revision against the judgment and award of Reference Court. Notice is given to the State. The learned AGP waives notice. Both the sides are heard.

2. The case of the applicant is that he had no knowledge about the pendency of the matter. It appears that the matter was filed with Land Acquisition Officer on 29.11.2000 and Laxman died on 18.2.2001. The matter was sent to the Reference Court on 23.2.2001 and then it was registered with Reference Court. The matter came to be decided on 13.4.2012. The matter is dismissed by the Reference Court as nobody has turned up and no evidence is given.

3. In view of these circumstances, this Court holds that there is sufficient cause for condoning delay. However, there will be the question of huge amount of interest. In view of this circumstance, the learned counsel for applicant, legal heir of Laxman submitted that the present applicant will not claim the interest in respect of the period of 1239 days. In view of this circumstance, the application is allowed. Delay is condoned.

4. Notice in revision is waived by the learned AGP for respondent Nos. 1 and 2. Learned counsel Shri. Bhosle waives notice for respondent No. 3. List the revision for final disposal on 14.12.2015.

[T.V. NALAWADE, J.]

SSC/