

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**CIVIL REVISION APPLICATION NO.66/2014**

**Ayyubkha s/o Ahemadkha Pathan**

**...Versus...**

**The State of Maharashtra through the Collector, Buldhana and another**

-----  
Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
-----

Court's or Judge's orders

Shri K.S. Narwade, Advocate for applicant  
Shri M.A. Kadu, AGP for non-applicant no.1  
Shri S.S. Godbole, Adv. h/f Shri S.G. Jagtap, Adv. for non-applicant no.2

**CORAM : Z.A. HAQ, J.**

**DATE : 06.02.2015**

Heard the learned Advocates for the respective parties.

The applicant challenges the order passed by the reference Court rejecting the petition filed by the applicant under Section 18 of the Land Acquisition Act, 1894 on the ground that it is barred by limitation.

The applicant stated in paragraph no.4 of the petition that the notice under Section 12 (2) of the Land Acquisition Act, 1894 was received by the applicant on 30.5.2001. The petition under Section 18 of the Land Acquisition Act, 1894 was filed on 12.7.2001. The non-applicants are not disputing these facts.

As per clause (b) of proviso below Section 18 (2) of the Land Acquisition Act, 1894 the limitation prescribed for filing the reference is six weeks from the date of receipt of the notice under Section 12 (2) of the Land Acquisition Act, 1894. As per

Section 12 of the Limitation Act, 1963 the first date i.e. 30.5.2001 is to be excluded. Thus, excluding 30.5.2001, the limitation started running from 31.5.2001 and six weeks ended on 12.7.2001. The reference was filed by the applicant on 12.7.2001. Therefore, the order passed by the reference Court, on the basis of conclusions recorded in paragraph no.10 of the impugned order that the petition filed by the applicant under Section 18 of the Land Acquisition Act, 1894 is barred by limitation, is unsustainable.

In view of the above, the impugned order is set aside. The matter is remanded to the learned Joint Civil Judge, Senior Division, Buldhana. The parties shall appear before the learned Joint Civil Judge, Senior Division, Buldhana on 02.03.2015 at 11:00 a.m. and abide by the further instructions/orders in the matter.

The civil revision application is allowed. In the circumstances, the parties to bear their own costs.

This civil revision application was filed after 588 days of the prescribed period of limitation. This Court by the order dated 9.7.2014 while condoning the delay recorded the undertaking on behalf of the applicant that the applicant will not claim interest on the enhanced amount of compensation, if any, for the period from 20.6.2012 till 9.7.2014.

The reference Court shall take this fact into consideration while passing the final orders on merits of the matter.

**JUDGE**