

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

Civil Revision Application No.25 of 2016

Hariba s/o Ishwara Jadhav
Died, through legal representatives
And Others.

.. Applicants.

Versus

The State of Maharashtra & Others. **.. Respondents.**

Shri. Vinod B. Jadhav, Advocate, for the applicant.

Shri. S.D. Kaldate, Assistant Government Pleader, for the
respondent Nos.1 and 3.

CORAM: T.V. NALAWADE, J.

DATE : 8th MARCH 2016

ORDER:

1) The petition is filed against the judgment and award of LAR No.17/2001. Learned Civil Judge, Senior Division Latur has dismissed the Reference by holding that no evidence at all was given by the claimant.

2) This Court has perused the judgment and award of the Reference Court. Learned counsel for the

applicants placed reliance on some orders made by this Court like CRA No.302/2015 dated 20th January 2016, CRA No.169/2005 with connected matters dated 15th January 2007. This Court has referred one previous decision reported as **2004(4) Bom.C.R. 495 (Kawadu Madhav Bansod v. State of Maharashtra)**. In similar circumstances it was held that the decision cannot be treated as award and so revision was entertained and it was allowed. In view of these circumstances this Court holds that, the civil revision application needs to be allowed.

3) In the result, the revision is allowed. The judgment and award of the Reference Court is hereby set aside and the matter is remanded back to the Reference Court for fresh decision. Opportunity needs to be given to both the sides to lead evidence. The matter needs to be expedited and disposed of within six months from the date of receipt of the order. Parties to appear before the Reference Court on 21st April 2016.

Sd/-
(T.V. NALAWADE, J.)

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