

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

**CIVIL APPLICATION NO. 11162 OF 2015
IN
CIVIL REVISION APPLICATION STAMP NO. 25797 OF 2015**

Hariba Ishwara Jadhav
Died through L.Rs. And ors.

...APPLICANTS

versus

The State of Maharashtra and ors.

...RESPONDENTS

.....
Mr. Vinod B. Jadhav, Advocate for applicants
Mr. D.V. Tele, AGP for respondents.

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 3rd FEBRUARY, 2016.

Order :-

1. Heard learned counsel for the parties.
2. Present civil application is filed by the original claimants for condonation of 805 days delay caused in filing civil revision application against impugned judgment and award dated 21-03-2013 rendered by civil judge, senior division, Latur, dismissing their land acquisition reference no. 17 of 2001.
3. Learned counsel for the applicants refers to contents of paragraph No. 2 of application and states that Devaibai, who had been looking after the litigation after the death of Devidas, too died in November, 2011 and two other claimants shown in the reference had been engaged in cane harvesting and had been moving from place to place to earn their livelihood and as such, they could not keep the track

of the matter. Under the circumstances, reference came to be decided in their absence.

4. Learned Assistant Government Pleader, however, submits that two legal heirs of deceased Devaibai are already on record and it was incumbent that they ought to have moved the court earlier. In the circumstances, it cannot be said that delay is properly accounted for.

5. After having heard the learned counsel for the parties, it clearly emerges that Assistant Government Pleader for respondents is not able to challenge the correctness of the circumstances and the contents of paragraph No. 2 of civil application and particularly the submission that two other legal heirs of the deceased Devaibai already on record in Land Acquisition Reference had been engaged in cane harvesting and had moved from place to place to earn their livelihood.

6. Having regard to above and to that this matter is for compensation in respect of the acquired lands, pedantic approach deserves to be eschewed in such a case. As such, application deserves to be allowed, which would sub-serve the cause of justice.

7. In view of aforesaid, civil application is allowed in terms of prayer clause "A". Delay stands condoned.

8. Civil application stands disposed of accordingly.

Sd/-

(SUNIL P. DESHMUKH, J.)