

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

931 CIVIL APPLICATION NO. 14216 OF 2015
IN CRAFT/27565/2015

MAHALING VISHWANATH SWAMI(DIED)THR.LRS,
1)SMT.LAXMIBAI MAHALING SWAMI AND OTHERS
VERSUS
1)THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND ANOTHER

Shri. S.Y. Patil, Advocate, holding for Shri. Mahesh S.
Patil, Advocate, for applicants.

Shri. S.P. Sonpawale, Assistant Government Pleader, for
respondent Nos.1 and 2.

CORAM: T.V. NALAWADE, J.

DATE : 5th JULY 2016

ORDER:

1) The application is filed for condonation of delay of 2365 days caused in filing revision against the judgment of the Reference Court . Heard both the sides.

2) It is the case of the applicants, original claimants in the Land Acquisition Reference, that their entire land was acquired and due to that they had shifted to Latur, other place, to earn livelihood. It is contended

that during pendency of the proceeding their father died. He was the Karta of the family and he was looking after the family affairs and so the present applicants were not able to take proper steps.

3) Learned counsel for the applicants makes statement that if the proceeding is allowed, the claimants will not be claiming interest in respect of the aforesaid period. Learned Assistant Government Pleader has strongly objected the application. He submitted that sufficient cause is not shown.

4) Nothing could have been achieved by the applicants by not filing the proceeding in time. The circumstance that they took so much time when the Land Acquisition Reference was dismissed due to absence of evidence itself is sufficient to infer that they were not aware of the decision of the matter. This Court holds that sufficient cause is shown.

5) So the application is allowed. Delay is condoned subject to condition that that if in the main

proceeding the applicants succeed, they will not be entitled to claim interest for the aforesaid 2365 days and also for the period for which the applicants were not present before the Reference Court.

6) Notice in the civil revision application. The Assistant Government Pleader waives notice. Learned counsel for the applicants undertakes to supply copy to the learned Assistant Government Pleader. List the matter on 18th August 2016.

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

rs1