

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

14 CRAFT/38068/2015

VITHAL NIGAPPA DHANGAR

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH COLLECTOR OSMANABAD**

WITH

15 CRAFT/670/2016

**DHONDIBAI W/O SAMBHAJI SHINDE
DIED THR LRS ASHA W/O
DATTARAYA ZOMBADE**

VERSUS

**THE STATE OF MAHARASHTRA
THR COLLECTOR**

WITH

16 CRAFT/8207/2016

PARWATIBAI W/O MADHAV SHITOLE

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH COLLECTOR OSMANABAD**

WITH

17 CRAFT/38057/2015

**BHIMSEN S/O VITOBA GAIKWAD
DIED THR LR SURESH MADHAV NILANGE**

VERSUS

**THE STATE OF MAHARASHTRA,
THROUGH COLLECTOR OSMANABAD**

.....

Mr. V.V.Ingale, Advocate for applicants.

Mr. S.P.Sonpawle, A.G.P. for R.No. 1.

.....

CORAM : T.V.NALAWADE, J.

DATE : 24th JUNE, 2016

ORAL ORDER :-

. All these applications are filed to challenge the Judgment and Awards of the Reference Court given in L.A.R. No. 308/2004 [old No. 506/1994], L.A.R. No. 311/2005, L.A.R. No. 1373/2009 [old No. 172/1998] and L.A.R. No. 297/2004. All the Land References were pending in the Court of the Civil Judge [Sr.Division], Omarga, district Osmanabad. Heard both sides.

2. In all the matters, no interest was shown to lead the evidence and prosecute the matters and as the matters were pending for many years in the Court, the Reference Court considered the pleadings and the contents of the Award and dismissed the References. These matters are not decided on merits and there was no opportunity to the claimants to substantiate their claim.

3. In view of these circumstances, this Court holds

that opportunity need to be given to the claimants and get the decision on merit.

4. So, all the applications are allowed. The Judgments and Awards are set aside. The matters are remanded back to the Reference Court. The parties to appears before the Reference Court on 12/08/2016. The Reference Court to expeditiously dispose of the matters and preferably within 6 months from the date of this order. If no interest is shown to prosecute the matters, the Reference Court is at liberty to dismiss the matters and in that case this Court may not interfere in the orders made by the Reference Court. Learned counsel for the applicants undertaken that no interest will be claimed by the claimants in respect of the period for which there was no proceeding before the Reference Court.

[T.V.NALAWADE, J.]