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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4339 OF 2016
IN
CIVIL REVISION APPLICATION STAMP NO.665 OF 2016

Dnyaneshwar Kundlik Sathe

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. V. V. Ingale, Advocate for the applicant

Mr. S. W. Mundhe, AGP for respondent No.1 State

Mrs. Ranjana Reddy, Advocate for respondent No.2

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 17th MARCH, 2017

ORDER :

1. Heard learned advocates for the parties.
2. Learned advocate for the applicants submits that delay in filing civil revision application has occurred under the circumstances that he had not been aware of the decision rendered in the land acquisition reference for want of evidence. It is further being pointed out that initially, the land acquisition reference had been lodged at Osmanabad, which appears to have been subsequently transferred to Omerga. There had been no communication between him and advocate, after the land

acquisition reference had been lodged. It is submitted that had the applicant been afforded an opportunity, he would have filed requisite evidence before the land acquisition reference court. Decision of the land acquisition reference court in respect of his claim was made known to him in December, 2015 and thereafter, he sought advice about the course to be adopted.

3. Learned advocate, further, on instructions, states that from the date of decision in land acquisition reference till the date of lodging of present proceedings before High Court, the applicant would not insist for interest, if compensation is enhanced, and would waive the interest for said period.

4. Learned advocates for the respondents, however, submit that the reasons given would not be sufficient for condonation of delay.

5. Although it is being so submitted, yet, veracity of the submissions on behalf of the applicant is not being disputed. In the circumstances, it would be expedient if the delay is condoned and civil revision application is considered on merits. While civil revision application or for that matter any other proceedings, the applicant shall apprise of the position that he would not insist for interest for the period from the date of decision of the land

acquisition reference till the date of lodging of present proceedings.

6. In view of aforesaid, keeping at the back of the mind guidelines of the Supreme Court in a decision in the case of “*Collector, Land Acquisition, Anantnag Vs. Ms. Katiji and ors.* reported in *A.I.R. 1987 S.C. 1353* this civil application is allowed in terms of prayer clause “B” and is disposed of.

[SUNIL P. DESHMUKH, J.]

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Mr. S. W. Mundhe, AGP for respondent No.1 State

Mrs. Ranjana Reddy, Advocate for respondent No.2

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 17th MARCH, 2017

ORDER :

1. Issue notice to the respondents, returnable on 5th April, 2017.
2. Learned AGP waives service for respondent No.1 and Mrs. Reddy, learned advocate waives for respondent No.2.

[SUNIL P. DESHMUKH, J.]