

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5784 OF 2017  
IN FA/2295/2016

SHESHERAO YESHWANT TAMKE DECEASED THR LRS BHAGWAT  
AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Patil Indrale Anand V

AGP for Respondent No.1: Mr. B.V. Virdhe

Advocate for Respondent No.2 : Mr. S.S. Manale

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**CORAM : V. K. JADHAV, J.**  
**DATED : 25<sup>th</sup> APRIL, 2017**

**PER COURT:-**

1. Learned counsel for the applicants submits that the applicants are original claimants and being dissatisfied with the inadequate compensation awarded by the S.L.A.O., they preferred L.A.R. No. 92 of 2002, which came to be dismissed in default by the Reference Court. Being aggrieved by the same, the applicants approached this Court by filing first appeal No. 2295 of 2016. Though this Court has set aside the order passed by the Reference Court and remanded the matter for decision afresh, directing the applicants to conclude the evidence from their side within a period of six months and further directed the applicants to appear before the Reference court on 13.06.2016, however, the applicants could not understand the communication sent by their counsel and thus, the applicants failed

to appear before the Reference Court within time.

2. I have also heard the learned counsel for the respondent acquiring body.

3. On perusal of order dated 3.5.2016, it appears that this Court has remanded the matter to the Reference Court for decision afresh solely on the ground that the Reference Court has dismissed the reference petition for want of prosecution. The applicants are agriculturists and their lands came to be acquired by the Government for the purpose of construction of percolation tank. The S.L.A.O. Has awarded very meager amount of compensation and therefore, they have preferred reference petition. It further appears that due to some communication gap, the applicants could not understand the directions given by this Court, as communicated to them by their counsel and as such they could not appear before the reference court within time.

4. In view of above, civil application is allowed in terms of prayer clause "B". Civil application is accordingly disposed of.

**( V. K. JADHAV, J.)**