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

905. CIVIL REVISION APPLICATION NO. 49 OF 2017

Dnyanoba Kashinath Gavade

..APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

Shri A.A. Mukhedkar, Advocate, holding for Shri L.C. Patil,
Advocate for applicant

Shri A.M. Phule, Asstt. Govt. Pleader for respondent No.1/State.

CORAM : N.W. SAMBRE, J.

DATE : 28th June, 2017

ORAL ORDER

Learned Counsel for the applicant, upon instructions, gives undertaking that applicant shall not claim interest for a period from the date of dismissal of the reference petition till its restoration, in case his Land Acquisition Reference No. 173/2012 is decided. His statement is accepted as an undertaking to this Court.

2. Respondent No.2 though served on an application for condonation of delay, did not appear. Learned Assistant Government Pleader for respondent No.1 states, Since the order passed is not detrimental to the interest of respondent No.2, let notice to respondent No.2 be dispensed

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with.

3. In view of aforesaid backdrop, the Civil Revision Application stands allowed.

4. In view of above statement, the impugned order dated September 30, 2015, passed by the learned Civil Judge (Senior Division), Omerga, dismissing the Land Acquisition Reference, is hereby quashed and set aside. The Land Acquisition Reference be restored to its original position. The restoration is in the interest of justice, and particularly, keeping in mind that the applicant shall not seek any further adjournment and shall immediately lead proper evidence. Failure on the part of applicant to lead evidence and to take further steps, will entail the Court of learned Civil Judge (Senior Division), Omerga, to pass appropriate order.

(N.W. SAMBRE, J.)

pjm