

(1)

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

CIVIL REVISION APPLICATION (ST) NO.5034 OF 2016

Waghu Gemla Naik (Rathod) since
deceased through L.Rs.

Smt. Bhikibai Waghu Rathod & ors ..APPLICANTS

VERSUS

State of Maharashtra & ors ..RESPONDENTS

Mr K.S. Narwade, Advocate h/f Mr S.D. Dharaskar,
Advocate for applicants;

Mr A.D. Sonak, A.G.P. for respondent Nos. 1 & 3;

Mr J.B. Kasat, Advocate for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 26th APRIL, 2017

ORAL ORDER :

Heard respective Counsel.

2. In Land Acquisition Case No. 109 of 2003 decided by learned Civil Judge, Senior Division, Pusad, District Yavatmal on 28th August, 2014, the claim of enhanced compensation came to be rejected on the ground that though repeated opportunity was given to the applicants, the applicants have failed to adduce any evidence and remained absent.

(2)

3. Learned Counsel for the applicants, while relying upon the judgment of this Court in the matter of **Kawadu s/o Madhav Bansod vs State of Maharashtra and another** reported in **2004(1) Mh.L.J. 980** prayed for remand for quashing the judgment and order passed by Reference Court.

4. Prayer is strenuously opposed by learned Counsel for respondent-acquiring body and learned A.G.P. on the ground that the Court should not weigh equity in favour of the claimants who were not diligent in not pursuing their statutory right.

5. Having considered rival submissions, it is worth to observe herein that the applicants-claimants have already waived right of interest for the period for which they have not appeared before the Reference Court and also for delayed period. After from above, the object of social beneficial legislation is also required to be appreciated. It is not in dispute that the issue is squarely covered by the judgment in the matter of **Kawdu s/o**

(3)

Madhav Bansod, cited supra.

6. In view thereof, the judgment and order dated 28th August, 2014 passed in Land Acquisition Case No. 109 of 2003 by learned Civil Judge, Senior Division, Pusad, District Yavatmal is hereby quashed and set aside, pursuant to undertaking by the applicants that they shall not seek any further adjournment before the Reference Court. The applicants-claimants shall also not be entitled for interest for delayed period i.e. 426 days as undertaken before this Court.

7. With the above observations, civil revision stands allowed.

(N.W. SAMBRE, J.)

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