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

CIVIL REVISION APPLICATION (ST) NO.6714 OF 2015

Kamlakar s/o Malhari Kamble,
Aged about 45 years, Occ: Labour,
R/o. Kurli, Tah. Umarkhed,
District Yavatmal. ..APPLICANT

VERSUS

Executive Engineer,
Lower Irrigation Department,
Pusad, Tah. Pusad,
Distt. Yavamal & ors ..RESPONDENTS

Mr R.J. Shinde, Advocate for applicant;
Mr M.A. Kadu, A.G.P. For respondent Nos. 2 & 3

CORAM : N.W. SAMBRE, J.

DATE : 6th APRIL, 2017

ORAL ORDER :

Land Acquisition Case No. 98 of 2005 under
Section 18 of the Land Acquisition Act, 1894
preferred by the applicant came to be rejected by
the Reference Court, vide order 6th September, 2011
on the ground that the applicant has failed to
adduce any evidence.

2. Learned Counsel for the applicant submits
that the applicant was unable to communicate with
his lawyer as he was awaiting intimation qua

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evidence to be adduced before the Reference Court. According to him, it is *bonafide* mistake on his part and the applicant shall not claim any interest from the date of dismissal of Reference by such Court till today i.e. date of restoration of Reference. The said statement is accepted in the form of undertaking.

3. In view of the fact that one more opportunity of hearing is required to be given to the applicant, in the interest of justice, in my opinion, it will be appropriate to set aside the judgment and order dated 6th September, 2011 passed by learned Civil Judge, Senior Division, Pusad, District Yavatmal in L.A.C. No. 98 of 2005. The matter stood restored on the file of learned Civil Judge, Senior Division, Pusad, District Yavatmal, before whom, the parties hereto shall appear on 29th April, 2017.

4. The above order is passed in view of the assurance in the form of undertaking furnished by the applicant that henceforth she shall not seek

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any adjournment before the Reference Court and will be diligent in pursuing the proceedings before the said Court.

5. Civil Revision Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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