

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

2 FIRST APPEAL NO. 4265 OF 2016
WITH FA/4264/2016 WITH CA/9212/2017 IN FA/4264/2016 WITH
FA/4266/2016 WITH FA/4267/2016 WITH FA/4268/2016 WITH
FA/4269/2016 WITH FA/4270/2016 WITH FA/4271/2016 WITH

VENKAT SANTARAM KOKARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Appellant : Mr.Gajanan K.Sontakke and
Mr.P.G.Sontakke

AGP for Respondents/State: Mr.A.M.Phule

Advocate for Respondent No.3 : Mr.Dhongade Suresh D.

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CORAM : M.S.SONAK, J.

DATE : 2.2.2018

ORAL ORDER:-

1) Heard learned counsel for the parties.

2) The learned counsel for the appellants points out that in connected matters by Judgment and order dated 14.2.2017 in First Appeal No.2501 of 2016 and several other First Appeals, this Court has set aside the impugned Judgment and award and remanded the matters to the Reference Court for fresh adjudication in accordance with law and on their own merits.

3) The learned counsel for the parties agreed that the same course can be adopted in relations to the present appeals as well. Accordingly, for the reasons recorded in the Judgment and award dated 14.2.2017 as aforesaid, the impugned Judgments and awards in the present matters are set aside and the matters are remanded to the concerned Reference Court to dispose of the same on their own merits and in accordance with law.

4) In addition, the Reference Court in pursuance of remand shall abide by the following directions:-

a) The References are directed to be re-admitted against their original numbers and shall proceed in accordance with law.

b) Evidence (if any) recorded during the original trial, shall be the evidence during the trial after remand.

c) The claimants are at liberty to adduce further oral and documentary evidence in support of their contentions and the respondents are also at liberty to adduce oral and documentary evidence and also evidence in rebuttal in support of their contention.

d) The parties shall appear before the learned Civil Judge, S.D., Nilanga on 20.2.2018.

e) The learned Civil Judge, S.D. Nilanga, shall dispose of the References within six months from the date of appearance of the parties, as aforesaid.

f) The claimants are not entitled to claim any interest and statutory benefits covering the period between the date of earlier Judgment of the Reference Court and date of this order in the event if the Reference Court comes to the conclusion that the enhanced compensation is payable.

5) All the First Appeals are accordingly disposed of. All pending civil applications are also stand disposed of.

6) However, the parties will be entitled to lead evidence before the Reference Court as aforesaid.

7) Record and proceeding be sent back forthwith.

[M.S.SONAK, J.]