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

CIVIL APPLICATION NO.1423 OF 2013 WITH
CIVIL APPLICATION NO.15771 OF 2016 IN
FIRST APPEAL ST. NO.1942 OF 2013

Gundaji s/o Yeshwant Torsalle ... APPLICANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri G.K. Sontakke, Advocate for applicant
Shri S.N. Morampalle, A.G.P. for State
Shri A.M. Gaikwad, Advocate for respondent No.3

.....

WITH

CIVIL APPLICATION NO.1424 OF 2013 IN
FIRST APPEAL ST. NO.2166 OF 2013

Nagnath s/o Hanmant Bhingole ... APPLICANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri G.K. Sontakke, Advocate for applicant
Shri S.N. Morampalle, A.G.P. for State
Shri A.M. Gaikwad, Advocate for respondent No.3

.....

WITH

CIVIL APPLICATION NO.1425 OF 2013 IN
FIRST APPEAL ST. NO.2160 OF 2013

((2))

Manik s/o Kashiram Wadikar ... APPLICANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri G.K. Sontakke, Advocate for applicant
Shri S.N. Morampalle, A.G.P. for State
Shri A.M. Gaikwad, Advocate for respondent No.3
.....

WITH

CIVIL APPLICATION NO.1426 OF 2013 IN
FIRST APPEAL ST. NO.2172 OF 2013

Narayan Santram Kokare, Died L.R.
Babu s/o Narayan Kokare ... APPLICANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri G.K. Sontakke, Advocate for applicant
Shri S.N. Morampalle, A.G.P. for State
Shri A.M. Gaikwad, Advocate for respondent No.3
.....

WITH

CIVIL APPLICATION NO.1427 OF 2013 IN
FIRST APPEAL ST. NO.2169 OF 2013

Vithoba s/o Yashwant Torsalle ... APPLICANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

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Shri G.K. Sontakke, Advocate for applicant

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1. These Civil Applications are filed for condonation of 595 days' delay caused in filing the First Appeals. The delay is condoned subject to the condition that the appellants shall not be entitled to statutory benefits for the period of delay.
2. Learned counsel for the parties submit that, the Land

Acquisition Reference filed by the claimants in these six appeals were dismissed by learned Civil Judge, Senior Division, Nilanga on the ground that there was no evidence. It is admitted and copies are produced to show that there were large number of such matters and in many matters the orders for payment with appropriate directions are passed. The parties agree that the Land Acquisition References have to be decided on merits and it cannot be dismissed in default. Considering the facts, I adopt the same course and pass the following order :

ORDER

3. The First Appeals are partly allowed. The judgment and decrees in the concerned Land Acquisition Reference are hereby set aside. The matters are remanded to the Reference Court for fresh adjudication in accordance with law on their own merits. The learned Reference Court shall give opportunity to both the parties to lead additional evidence as may be produced. Considering the delay, the parties are directed to be vigilant and remain present on each and every date of hearing and take necessary steps for early disposal of the matters. In case of delay, the Reference Court shall be at liberty to impose costs which shall form part of the decree, irrespective of the

((5))

decision of the case. All the First Appeals are disposed of accordingly.

4. All pending Civil Applications are also disposed of.

(A.M. DHAVALA)
JUDGE

fmp/