

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

920 FIRST APPEAL NO. 2253 OF 2015

DIGAMBAR PUNDLIK KAWATE DECEASED THR LRS INDIRABAI
DIGAMBAR KAWATE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Appellants : Mr. Avinash N. Suryawanshi
h/f Mr. Patil Indrale Anand V.

AGP for Respondent No. 1: Mr. S. P. Deshmukh

Advocate for Respondent No. 2 : Mr. S S Manale

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CORAM : SUNIL K. KOTWAL, J.

DATE : OCTOBER 4, 2018

O R D E R :

Heard learned counsel for appellants and the learned AGP for respondent No. 1.

2. With the consent of both parties, appeal is taken up for final hearing at the stage of admission.

3. Learned counsel appearing for the appellants submitted that common Judgment and award is passed in LAR NO. 87 of 2002 with some connected appeals by Extra Joint Civil Judge, Senior Division, at Latur, on 4th

September, 2012. Learned Counsel further submitted that the Claimant in LAR No. 87/2002 filed an appeal against the said judgment and award before this Court and the said appeal has been disposed of by this Court vide order passed on 12th March, 2015. Learned Counsel has placed on record the order passed in the said First Appeal. Learned Counsel pointed out that this Court has allowed the said appeal and has directed the Reference Court to decide the Reference afresh by setting aside the impugned judgment and award. Learned Counsel submitted that the facts involved in the aforesaid case and the present case are quite similar. The submissions so made are not disputed by the learned Counsel appearing for the acquiring body.

4. In view of the above, I deem it appropriate to follow the same course and hence the following order :

ORDER.

1) The appeal is allowed. The order of the

Reference Court is set aside. The matter is remanded back to the Reference Court for decision afresh.

2) Present appellants are directed to conclude evidence from their side within a period of six months and thereafter, learned Judge to make efforts for expeditious hearing of the case.

3) The appellants would not be entitled for statutory interest in case any compensation is granted, for the delayed period i.e. from the date of their absence in the trial court till the decision of the present appeal.

4) Parties to appear before the Trial Court on 21.11.2018.

[SUNIL K.KOTWAL, J.]

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