

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

**57 CIVIL APPLICATION NO.2509 OF 2018
IN CRAFT/4604/2018**

VITTHAL GYANBA MANE AND OTHERS .. Applicants

VERSUS

THE STATE OF MAHARASHTRA, THROUGH .. Respondents
COLLECTOR OSMANABAD AND OTHERS

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Advocate for Applicants : Shri N.J. Patil

AGP for Respondents : Shri K.S. Patil

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CORAM : PR. BORA, J.

Dated: March 25, 2019

PER COURT :-

1. Issue notice to the respondents. Learned AGP Shri Patil waives notice for all the respondents. Service complete.

2. Heard the learned Counsel appearing for the respective parties. Delay of 477 days has occurred in filing the Civil Revision Application. It is contended that, because of lack of communication between the Counsel, who was appearing for the present applicant in the trial Court and the applicant, the applicant did not come to know that, his reference application has been rejected by the Court. The moment, it was learnt by the applicant that, the reference application has been rejected,

he has approached this Court.

3. The learned AGP has opposed for condoning the delay stating that, the inordinate delay has not been appropriately explained. The learned AGP, in the alternative, submitted that, if the Court inclines to condone the delay, the applicant may be disentitled from claiming interest of the period of delay in the event of his success in the reference application.

4. In view of the submissions made, the following order is passed.

ORDER

(i) The application is allowed. Delay caused in filing the Civil Revision Application is condoned. The Civil Revision Application be registered in accordance with law. It is clarified that, in the event of his success, the applicant shall not be entitled for claiming the interest of the period of delay, if the Reference Court enhances the amount of compensation on the said enhanced amount of compensation.

(ii) On registration of the Civil Revision Application, issue notice to the respondents. Learned AGP Shri K.S. Patil waives notice for the respondents. Service complete.

(iii) List the Civil Revision Application for further consideration on 27.03.2019.

(**PR. BORA, J.**)