

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

**948 CIVIL APPLICATION NO.2886 OF 2019
IN CRAFT/38626/2018**

BHIMASHANKAR BABURAO DHULE

.. Applicant

VERSUS

**THE STATE OF MAHARASHTRA,
THROUGH THE COLLECTOR,
OSMANABAD**

.. Respondent

...

Advocate for Applicant : Shri Shaikh Shoyab

AGP for Respondent – State : Shri K.S. Patil

...

CORAM : P.R. BORA, J.

Dated: April 03, 2019

PER COURT :-

1. Delay of 3355 days has occurred in filing the Civil Revision Application by the present applicant. The present applicant has filed the Land Acquisition Reference No.1246 of 2009 claiming enhancement in the amount of compensation offered by the SLAO towards the acquisition of his land for the purpose of Minor Irrigation Tank Koregaon. The said reference application has been dismissed by the Reference Court on the ground that, the applicant did not produce on record the copy of the Award. The reason as has been assigned by the Reference Court for dismissing the reference application is, admittedly, unsustainable.

2. It is brought to my notice that, in the connected Land Reference Applications, same Reference Court has enhanced the amount of compensation arising out of the same acquisition proceedings.

3. The learned Counsel submitted that, since the present applicant was out of village for a long time in search of employment, could not take the steps to file the present revision application. The learned Counsel further submitted that, the applicant is ready to waive the interest of the period of delay in the event of his success in the revision application.

4. The learned AGP has opposed for condoning the delay. In the alternative, the learned AGP submitted that, if the Court inclines to condone the delay, the applicant be disentitled from claiming interest of the period of delay.

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

ORDER

(i) The delay caused in filing Civil Revision Application is condoned. It is clarified that, in the event of his success in Civil Revision application and in turn, in the reference application, the applicant shall not be entitled for the interest of the period of delay of 3355 days. The application stands disposed of.

(ii) The copy of the present order be kept along with the papers of Civil Revision Application.

6. Leave to amend Civil Revision Application and to add the acquiring body as party respondent.

(iii) On registration of the Civil Revision Application, issue notice to the respondents. Learned AGP waives notice for the respondent - State.

(iv) List the matter after four weeks.

(PR. BORA, J.)