

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.81 OF 2020

SURYABHAN HARIBHAU BERAD
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Shri Palve Pradeep K.
AGP for Respondents: Shri Bhagat N.T.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 27, 2020

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PER COURT :-

1. By this petition, the petitioner seeks to challenge the order dated 16.9.1999, passed by the LAR Court, by which, LAR No.59 of 1990 was dismissed in default as the petitioner did not lead any evidence.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner and the learned AGP. There is no dispute that in hundreds of such cases, the High Court has set aside such orders and while restoring the LAR proceedings, a time frame is granted and the claimant is deprived of the interest component on the amount of enhanced compensation.

3. The learned Advocate for the petitioner submits, on instructions, that the petitioner is agreeable.

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4. In view of the above, this petition is partly allowed. The impugned order dated 16.9.1999 is quashed and set aside and LAR No.59 of 1990 stands remitted to the Court of the learned Joint Civil Judge S.D. Ahmednagar.

5. The petitioner shall appear before the said Court on 20.3.2020. The LAR Court is at liberty to issue notices to other parties, if they are not present.

6. The petitioner shall conclude the recording of his oral evidence on/or before 30.6.2020 and the LAR Court shall decide the said proceedings as expeditiously as possible and in any case, on/or before 31.12.2020.

7. In the event, the petitioner succeeds in getting enhanced compensation, he shall be deprived of the interest component from 16.9.1999 till the passing of this order today.

(RAVINDRA V. GHUGE, J.)

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