

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.62 OF 2019

Devrao s/o Naroba Solanke

... APPLICANT

VERSUS

The State of Maharashtra & ors.

... RESPONDENTS

.....
Mr. G.G. Suryawanshi, Advocate for applicant
Mr. P.M. Kulkarni, A.G.P. for respondents No.1 and 2
Mr. S.P. Urgunde, Advocate for respondent no.3.
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CORAM : R. G. AVACHAT, J.

DATE : 24th September, 2021

PER COURT :

Heard learned counsel for the parties. The Reference Court has dismissed the Reference on the ground of the applicant's failure to appear and produce evidence since 9/2/2014, on which date the issues were framed in the matter. It is now well settled that, the Reference cannot be dismissed in default or for want of evidence. The Reference should have been decided on the basis of material available before the Reference Court. Since the same has not been done, and with a view to give opportunity to the applicant to

lead evidence, the Civil Revision Application is allowed. The order dated 23/1/2019, dismissing the Reference is set aside. The matter is remanded back to the Reference Court to decide it afresh after giving the applicant opportunity to lead evidence.

2. The applicant shall not be entitled for interest or any other monetary benefits from the date of framing of issues to the date of this order.

**(R. G. AVACHAT)
JUDGE**

fmp/-