

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

FIRST APPEAL NO. 2944 OF 2019

Bhiva Aaba Tambe	... Appellant
Versus	
The State of Maharashtra	... Respondent

**AND
FIRST APPEAL NO. 3547 OF 2018**

Shivaji Aba Tambe (Died) Through His LRs.,	
1. Smt. Kamal Shivaji Tambe and others	... Appellants
Versus	
The State of Maharashtra	... Respondent

**AND
FIRST APPEAL NO. 3549 OF 2018**

Vaijinath Baliram Tambe (Died)	
Through His LRs.,	
1. Smt. Shobha Vaijinath Tambe and others	... Appellants
Versus	
The State of Maharashtra	... Respondent

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Mr. A. R. Barate, Advocate for appellants	
Mr. S. N. Morampalle, AGP for the State	

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CORAM : R. G. AVACHAT, J.
DATED : 29th OCTOBER, 2021

PER COURT :-

. Heard.

2. The challenge in these appeals is to the judgment and order dismissing the Land Acquisition References on the ground of having not been filed within limitation.

3. Learned Advocate for the appellant has brought to the notice of this Court the document Exhibit-A at page No.7 of First Appeal No.2944 of 2019, wherein Clause 4 indicates that notice under Section 12(2) of the Act was served on the appellant – claimant on 07.01.1998. While, the Reference was filed on 13.02.1998 i.e. well within limitation.

4. The Reference Court ought to have taken into consideration the date on which the copy of the award was served to the appellant – claimant. As such, the Reference Court had erred in dismissing L.A.Rs on the ground of limitation.

5. In the circumstances, the appeals are allowed. The impugned judgment and awards are set aside. The matters are remanded back to the Reference Court for deciding it afresh without reference to the issue of limitation.

6. It appears that the Acquiring Body has not been made party to these appeals. Liberty to add.

7. The appellants, however, shall not be entitled for component of interest for the period from the date of impugned order/award to the date of this order.

[R. G. AVACHAT, J.]

SMS