

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11571 OF 2022
IN REJECTED CASE NO. 1075 OF 2013

MARUTI BHIMRAO JADHAV (DIED) THR LRS GINYANBAI
MAROTI@ MAROTRAO JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR NANDED
AND OTHERS

...
Advocate for Applicants : Mr. S.N. Patil
AGP for Respondents : Mr. S.S. Dande
....

CORAM : S.G. DIGE, J.
DATE : 8th September, 2022

ORDER :

. Heard learned Counsel for applicants and learned A.G.P. for respondents.

2. Learned Counsel for applicants submits that, this Court has passed order dated 14th December, 2012 had directed the applicants to pay Bhatta within four (04) weeks. If the Bhatta is not paid within four (04) weeks from the date of order, the application would stand dismissed. The earlier advocate holding for applicants did not inform the order of this Court to the applicants

therefore, applicants could not comply the order of this Court. As the applicants could not pay the Bhatta the application is dismissed.

3. Now applicants have approached to this Court. They are poor agriculturists. They have filed First Appeal for enhancement of compensation amount. In connected group of matters, this Court has enhanced the compensation amount hence, applicant's requested to recall the order dated 14th December, 2012.

4. I have heard both the learned Counsel.

5. Applicants were directed to pay Bhatta within four (04) weeks' but they could not deposited it. It is contention of learned Counsel for applicants that, earlier learned Counsel did not inform about the order passed by this Court to the applicants hence, the Bhatta was not paid by the applicants. In my view, applicants are is poor agriculturists and notices were issued to the respondents in civil application for delay condonation. It is necessary to give opportunity to applicants to put their side. If

interest period from the date of not paying the Bhatta is denied to the applicants, it would meet the ends of justice. Hence, I pass the following order :-

ORDER

- (a) The application is allowed.
- (b) The order passed by this Court dated 14th December, 2012 is recalled and delay for filing this application is condoned.
- (c) The applicants shall not claim any interest and statutory benefits for the delayed period from 10th January, 2013 till today.
- (d) Applicants shall pay the Bhatta within four (04) weeks' from the date of receipt of this order. If Bhatta is not paid within stipulated period, the appeal would stand dismissed.
- (e) Applicants to provide the copies and take steps for re-construction of the file i.e. appeal as well as pending civil applications.
- (f) The Civil Application is disposed of.

[S.G. DIGE, J.]