

SGPunde

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 225 OF 2015

Gurappa s/o Khandappa Hangarage & Ors.

... Petitioners
[Orig. Claimant]

Versus

The State of Maharashtra, through Collector,
Osmanabad.

... Respondent
[Orig. respondent]

...

Mr. B. R. Sontakke Patil – Advocate for Petitioner

Mr. Jeevan R. Patil h/f Mr. G. B. Rajale – Advocate for Respondents

....

CORAM : GAURI GODSE, J.

DATE : 31st JANUARY, 2023

PER COURT : -

1. Heard learned advocate Mr. B. R. Sontakke Patil for the petitioner and Mr. Jeevan R. Patil holding for Mr. G. B. Rajale for the respondent.
2. Rule. Rule made returnable forthwith. Taken up for final disposal.
3. This Civil Revision Application is filed for challenging order dated 08th February, 2001 passed by learned Civil Judge Senior

Division, Osmanabad, in L.A.R. No. 28 of 1998. By the impugned order, the land acquisition reference of the petitioner is rejected under Order VII Rule 11(c) of the Code of Civil Procedure for non-payment of proper court fees.

4. The learned counsel for the petitioner states that, according to the petitioner, in fact, the court fee stamp was paid however the same was misplaced. The learned counsel further submits that the land of the petitioner is acquired pursuant to the notification that was issued in the year 1988 and possession of the land is also taken over on 01st January, 1989. The learned counsel further submits that the compensation awarded by the Land Acquisition Officer is very meager and inadequate. Pursuant to the acquisition, the petitioner is rendered landless and he has no source of income. The learned counsel submits that if the impugned order is not set aside and the Land Acquisition Reference is not heard, serious prejudice and hardship will be caused to the petitioner. Hence, it is submitted that the impugned order be set aside and the Land Acquisition Reference be restored to file.

5. The learned counsel for the petitioner confirms and concedes that since the Land Acquisition Reference was dismissed in the year 2001, the petitioner would not claim any interest from the date of disposal of the Land Acquisition Reference till the date of its restoration.
6. For the reasons stated above, the Civil Revision Application is allowed in following terms :
 - i. This Civil Revision Application is allowed.
 - ii. The impugned order dated 08th February, 2001, passed by learned Civil Judge Senior Division, Osmanabad, is quashed and set aside.
 - iii. The petitioner to make payment of court fees within a period of four weeks from today.
 - iv. The parties shall appear before the learned Civil Judge Senior Division, Omerga, District - Osmanabad, on 01st March, 2023. No formal notice will be required.
 - v. The parties will tender their affidavits on or before 29th March, 2023. Reference Court shall then decide the proceedings as expeditiously as possible, preferably by the end of the year 2023.

- vi. The petitioner shall not be entitled to claim the interest component, if the amount of compensation is enhanced, from the date on which the proceedings were dismissed till the date the same is restored.
 - vii. In the event the petitioner unnecessarily delays the proceedings and does not lead evidence as directed, the Reference Court would be at liberty to pass appropriate orders.
 - viii. Civil Revision Application stands disposed of in the aforesaid terms.
7. Rule made absolute in the aforesaid terms. No costs.

[GAURI GODSE]
JUDGE