



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

982 WRIT PETITION NO. 13469 OF 2023

JANARDHAN RANGNATH BOKAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA AND
OTHERS

...

Advocate for the Petitioner : Mr. D. A. Mane h/f Pingale Durgesh M
AGP for Respondents-State : Mrs. P. R. Bharaswadkar

...

AND

983 WRIT PETITION NO. 13476 OF 2023

KAKASAHEB GAHENAJI SONUNE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA AND
OTHERS

...

Advocate for the Petitioner : Mr. Pingale Durgesh M
AGP for Respondents: Mr. V. M. Chate

...

AND

984 WRIT PETITION NO. 13477 OF 2023

BHASKAR FAKIRBA SONUNE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS

...

Advocate for the Petitioner : Mr. Pingale Durgesh M
AGP for Respondents: Mrs. K. R. Jamdhade

...

AND

985 WRIT PETITION NO. 13478 OF 2023

TUKARAM RAMA ALIAS RAMRAO DHANURE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA AND
OTHERS

...

Advocate for the Petitioner : Mr. Pingale Durgesh M
AGP for Respondents: Mr. V. M. Chate

...

AND
986 WRIT PETITION NO. 13479 OF 2023

NARAYAN BHAGWANTA SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AURANGABAD
AND ANOTHER

...
Advocate for the Petitioner : Mr. Pingale Durgesh M
AGP for Respondents: Mrs. P. R. Bharaswadkar
...

CORAM : ARUN R. PEDNEKER, J.

Dated : March 01, 2024

PER COURT :-

1. Heard.

2. Mr. D. A. Mane holding for Mr. D. M. Pingale, the learned counsel for the petitioners submits that the LAR No.2087/2010 (decided on 23/07/2014), LAR No.73/2012 (decided on 05/12/2018), LAR No.396/2012 (decided on 06/12/2018), LAR No.2105/2010 (decided on 30/10/2012) and LAR No.752/1997 (decided on 12/08/2013) were dismissed, on account of non leading of evidence. He relies upon the Judgment of this court in Writ Petition Nos.2973/2023, 12795/2019, 8823/2021 and 3992/2021, dated 15/03/2023, 17/01/2020, 27/06/2022 and 03/03/2021 respectively, and submits that wherever evidence is not led by the parties this court has remitted the matter

back with liberty to lead evidence holding that the reference court has to decide the reference on merits and not to dismiss the same on account of non leading of evidence of the claimants.

3. The learned AGP does not disputes the proposition of law that where the evidence is not led by the parties this court has remitted the matter back as mentioned in the above in Writ Petition Nos.2973/2023, 12795/2019, 8823/2021 and 3992/2021, dated 15/03/2023, 17/01/2020, 27/06/2022 and 03/03/2021 respectively. However, submits that there is a huge delay in approaching this court and the orders dated 23/07/2014, 05/12/2018, 06/12/2018, 30/10/2012 and 12/08/2013 are challenged in the present writ petitions.

4. In response to the submissions of the leaned AGP, the learned counsel for the petitioners submits that the petitioners would not claim any interest or statutory benefit for the delayed period from the date of the dismissal of the reference i.e. 23/07/2014 in LAR No.2087/2010, 05/12/2018 in LAR No.73/2012, 06/12/2018 in LAR No.396/2012, 30/10/2012 in LAR No.2105/2010 and 12/08/2013 in LAR No.752/1997, till the date of the filing of these petitions i.e. 02/08/2023, 21/08/2023, 21/08/2023, 01/08/2023 and 14/07/2023 respectively.

5. In view of the submission made, the award of the reference court

is set aside and the matters are remitted back to the reference court to decide it in accordance with law. The learned counsel for the petitioners submits that the petitioners would remain present before the reference court, on 20/03/2024 and will lead evidence as per the date given by the reference court. The reference court to decide the reference as expeditiously as possible and in any event within one (01) year from the date of production of this order. In the event, the reference court answers the reference in favour of the claimants, the claimants would not be entitled for the interest and statutory benefits from the date of decision of their LARs till filing of the writ petitions, as mentioned above.

6. The writ petitions are accordingly disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.