



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

982 WRIT PETITION NO. 14078 OF 2023

Trimbak s/o Shivanandappa Salgare,
(Died) Through L.Rs.

1. Suryakant s/o Trimbakappa Salgare,
Age 57 years, Occupation Agriculture,
2. Chandrakant s/o Trimbakappa Salgare,
Age 68 years, Occupation Agriculture,

Both R/o Khadak-Omerga Tq.Nilanga
Dist. Latur.

**...Petitioners
(Original Claimants)**

VERSUS

1. The State of Maharashtra,
Through The Collector Osmanabad,
Now The District Collector At Latur
Tq. And Dist. Latur.
2. The Sub-Divisional Engineer,
P.W.D. Nilanga Tq. Nilanga
Dist. Latur.

...Respondents

...
Advocate for the Petitioner : Mr. Kodale Vikas G.
AGP for Respondents-State : Ms. P. R. Bharaswadkar

...
CORAM : ARUN R. PEDNEKER, J.

Dated : January 25, 2024

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith. By consent, heard finally.
2. Heard the learned Advocate appearing on behalf of the

respective parties.

3. By the present writ petition the petitioners are challenging the order passed by the Reference Court whereby the Reference Court was pleased to dismiss the Reference for non leading of the evidence by the claimant before the Reference Court. The learned Advocate for the petitioner / claimant relies upon the Judgment of this Court in Writ Petition No.210 of 2024 and Writ Petition No.238 of 2024, decided on January 09, 2024 whereby this Court has remitted the matter back to the Reference Court for deciding the Reference on merits by permitting the petitioner to lead evidence.

4. The learned AGP has opposed the petition on the ground of huge delay in filing the present writ petition, challenging the order passed by the Reference Court.

5. In view of the objection raised by the learned AGP, the learned Advocate appearing for the petitioner submits that the petitioner would not claim the interest or statutory benefits for the delay period from the date of order of the Reference Court till the date of filing of the present writ petition.

6. In view of the submissions made, the award dated 30/07/2010

passed by the Reference Court is set aside and the matter is remitted back to the Reference Court for deciding the Reference on merits.

7. The petitioners are permitted to lead evidence before the Reference Court.

8. The learned Advocate for the petitioners submits that they would appear before the Reference Court on 12/02/2024 and they would also tender their evidence before the Reference Court on the date given by the Reference Court.

9. The Reference Court to decide the Reference expeditiously. However, it is made clear that in the event the Reference is answered in favour of the petitioners, the petitioners would not be entitled for interest or statutory benefits for the delay period from the date of the impugned order i.e. 30/07/2010 till date of filing of the present petition i.e. 03/10/2023.

10. In view of the above, the writ petition is disposed of.

Rule made absolute in above terms.

(ARUN R. PEDNEKER, J.)

vj gawade/-.