



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

902 WRIT PETITION NO. 11680 OF 2024

Ashok Gangaram Chilme

Age : 65 Years, Occu.: Agriculture,

R/o : Budhoda, Taluka Ausa,

District Latur.

Petitioner

VERSUS

1. Harishchandra Gangaram Chilme

Age : 70 Years, Occu.: Agriculture,

R/o.: Budhoda, Taluka Ausa,

District Latur.

2. Angad Gangaram Chilme,

Age : 85 years, Occu.: Agriculture,

R/o.: As above.

3. Competent Authority National Highway,

@ Sub Divisional Officer,

Land Acquisition Officer,

Ausa-Renapur, Old Collector Office,

Latur.

4. Project Director,

National Highway No.361,

Bharadwaj, Vyankatadri Nagar,

Near Ayodhyanagar, Tardoa Khurd,

Nanded.

Respondents

...

Advocate for Petitioner : Mr. Nahar Akash P.

Addl.GP for Respondents/State : Mrs. Dr. Kalpalata Patil Bharaswadkar

Advocate for Respondent Nos.1 and 2 : Mr. Dixit Sushant V.

Advocate for Respondent No.3 : Mr. Gore Nikita Narayan

Advocate for Respondent No.4 : Mr. Nikam Anup R.

...

AND

903 WRIT PETITION NO. 11681 OF 2024

1. Vyankuram Ashokrao Chilme
Age : 40 Years, Occu.: Agriculture,
R/o : Budhoda, Taluka Ausa,
District Latur.
2. Jyoti Gunwant Algule,
Age : 47 years, Occu.: Household,
R/o : Budhoda, Taluka Ausa,
District Latur.
3. Smt. Archana Govind Chame,
Age : 45 years, Occu.: Household,
R/o. : Gaur, Taluka Nilanga,
District Latur.

Petitioners**VERSUS**

1. Harishchandra Gangaram Chilme
Age : 70 Years, Occu.: Agriculture,
R/o.: Budhoda, Taluka Ausa,
District Latur.
2. Angad Gangaram Chilme,
Age : 85 years, Occu.: Agriculture,
R/o.: As above.
3. Ashok Gangaram Chilme
Age : 65 Years, Occu.: Agriculture,
R/o.: As above.
4. Kamalbai Ashok Chilme,
Age : 60 Years, Occu.: Agriculture,
R/o.: As above.
5. Competent Authority,
Sub Divisional Officer,
Land Acquisition Officer,
Ausa-Renapur, Old Collector Office,
Latur.

6. Project Director,
National Highway No.361,
Bharadwaj, Vyankatadri Nagar,
Near Ayodhyanagar, Tardoa Khurd,
Nanded.

Respondents

...
Advocate for Petitioners : Mr. Bhandari Pranjal A.
AGP for Respondents/State : Mr. B. B. Bhise
Advocate for Respondent Nos.1 and 2 : Mr. Dixit Sushant V.
Advocate for Respondent No.5 : Mr. Gore Nikita Narayan
Advocate for Respondent No.6: Mr. Nikam Anup R.

...

904 WRIT PETITION NO. 11682 OF 2024

Vyankuram Ashokrao Chilme
Age : 40 Years, Occu.: Agriculture,
R/o : Budhoda, Taluka AUSA,
District Latur.

Petitioner

VERSUS

1. Harishchandra Gangaram Chilme
Age : 70 Years, Occu.: Agriculture,
R/o.: Budhoda, Taluka AUSA,
District Latur.
2. Ashok Gangaram Chilme
Age : 65 Years, Occu.: Agriculture,
R/o.: Budhoda, Taluka AUSA,
District Latur.
3. Kamalbai Ashok Chilme,
Age : 60 Years, Occu.: Agriculture,
R/o.: As above.
4. Project Director,
National Highway No.361,
Bharadwaj, Vyankatadri Nagar,
Near Ayodhyanagar, Tardoa Khurd,
Nanded.

5. Competent Authority,
Sub Divisional Officer,
Land Acquisition Officer,
Ausa-Renapur, Old Collector Office,
Latur.

Respondents

...
Advocate for Petitioner : Mr. Bhandari Pranjali A.
AGP for Respondents/State : Mr. V. M. Chate
Advocate for Respondent Nos.1 : Mr. Dixit Sushant V.
Advocate for Respondent No.5 : Mr. Gore Nikita Narayan
Advocate for Respondent No.4: Mr. Nikam Anup R.

...
CORAM : ROHIT W. JOSHI, J.
DATE : 12th AUGUST 2025

ORAL JUDGMENT :

1. Rule.
2. Rule is made returnable forthwith. Heard finally with consent of the parties.
3. Writ Petition No.11680/2024 is filed by the Plaintiff in Regular Civil Suit No.348/2023 assailing the order dated 22.06.2024, whereby the suit is ordered to be dismissed in default under Order IX Rule 3 of the Civil Procedure Code and as also subsequent order passed on the same date, rejecting the application for restoration of suit.
4. Writ Petition No. 11681/2024 is filed by the Original Plaintiff, challenging similar order, dismissing the suit in default under Order IX Rule 3 and rejecting the application for restoration of

the said suit in Regular Civil Suit No.367/2023. The orders impugned are passed on 22.06.2024. Similarly Writ Petition No.11682/2024 is filed by original Petitioner in Land Acquisition Reference No.134/2019, whereby the reference is dismissed in default under Order IX Rule 3 of the CPC and subsequent application for restoration of reference is rejected. In this case also both the orders impugned are passed on 22.06.2024. It appears from perusal of the order dismissing the suit and reference in default that despite opportunity, original Plaintiff and Petitioner in the reference proceeding did not attend the Court for facing cross-examination. The learned trial/Reference Court has observed that although the matters were made time bound by the Honourable Supreme Court due to such attitude of the Plaintiff, the suits could not be decided within the stipulated time period. It is in such circumstances that the suits and reference are ordered to be dismissed for want of prosecution.

5. Learned Advocates for the Petitioners submit that orders dismissing the suits and reference were passed either at 11:30 am on 22.06.2024 and on the same day within a short span of time, the Plaintiff and reference Petitioner had filed application for restoration of the suit. It is stated that the Plaintiffs are residents of Village Budhoda and their advocate is resident of Latur. It is stated that in such circumstances, there was some delay in reaching the Court. The learned Advocates for the Petitioners submit that the suits and reference may be restored imposing appropriate conditions so that the suits and reference are decided on merits.

6. Learned Advocate for the Respondents strongly opposes the petitions. He contends that the conduct of the Petitioners does not deserve any sympathetic consideration. He further states that no fault can be found with the orders passed by the learned trial/Reference Court and the petition being devoid of any substance, deserved to be dismissed.

7. Although the learned trial Court has referred to the conduct of the Plaintiffs and Petitioners in the reference case, it must be stated that for one or the other reason, the matter was being adjourned and the suit is ultimately dismissed for absence on 22.06.2024. It is undisputed fact on record that application for restoration was filed on the same date. Thus, it is apparent that on the day when the suit was dismissed, the Plaintiffs and reference Petitioner were ready to face cross-examination. The application for restoration was also filed on the same day. In such circumstances, it will be expedient in the interest of justice to allow the petitions to contest the suits and reference on merits. It will also be pertinent to state that it is not in dispute that the Defendants have received the amount of compensation.

8. Having regard to the conduct of the Petitioners, some cost will have to be imposed. The Writ Petitions are allowed subject to payment of cost of Rs. 5000/- in each petition. The cost shall be payable to AUSA Bar Association on or before 22.08.2025.

9. On the costs being paid, the suits and reference shall be registered on their original numbers.

10. The party shall appear before the learned trial Court/Reference Court on 25.08.2025.

11. Parties to note that separate notice/summons will not be issued for appearance. In the event the costs are paid and the suits and reference are restored to file, the same be decided on their own merits on or before 31.03.2026.

12. Learned Counsels for the Petitioners on instructions from the Petitioners, make a statement that the Petitioners will not seek unnecessary adjournments in the matters. The statement is accepted as an undertaking to this Court.

13. Rule is made absolute in the above terms.

14. Writ Petitions are disposed of.

ROHIT W. JOSHI
JUDGE

NATJEEB..