



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO. 5529 OF 2007
WITH
CIVIL APPLICATION NO. 1994 OF 2026 IN WP/5529/2007

APPARAO SHIVLING PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for the Petitioner : Mr. N P Patil
AGP for Respondent/State : Mr. V.M.Lomte
...

CORAM : ARUN R. PEDNEKER, J.
Dated : March 12, 2026

PER COURT :-

1. For the reasons stated in the application, civil application filed for early hearing is allowed and disposed of.
2. Leave to amend is granted. Amendment be carried out in the writ petition before the certified copy is obtained.
3. The petitioner challenges the order dated 21.9.2006 passed by the learned Civil Judge, Senior Division, Omerga, Dist. Osmanabad in Misc. Application No. 7/2006 and order dated 24.4.2006 passed in L.A.R. No. 4/2005, whereby the reference of the petitioner/claimant is rejected on account of non leading of evidence for long period of time. The review filed against the said order is also dismissed as it is not maintainable. Thus, the petitioner challenges both orders before this court.

4. It is well settled law that reference cannot be dismissed for want of non leading of the evidence and the reference has to be decided on merits as held by this Court in judgment in the case of **Writ Petition 12795/2019 and other connected matters decided on 17.1.2020 (Walik Trimbak Tupe Vs. The State of Maharashtra and Ors.)**. Considering the same, the impugned orders are quashed and set aside. The matter is remitted to the Reference Court for deciding the same in accordance with law. The reference court to decide the reference expeditiously i.e. within one year from the date of receipt of this order. However, it is made clear that the petitioner shall not be entitled for interest and other statutory benefits for the delayed period i.e. from the date of impugned orders till the filing of the writ petition. Writ petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/