



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 FIRST APPEAL NO. 1481 OF 2012

MOHAN RAJARAM KARALE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Mr. Dattatraya R. Jayabhar, Advocate for Appellants.

Mr. D. R. Korde, AGP for Respondent-State.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 2nd JULY, 2026

PC.:-

1. Heard learned Advocates for the respective parties.
2. By the present appeal, the Appellant is aggrieved by the judgment and award dated 29.11.2011 passed by the learned Reference Court in L.A.R. No.580 of 1993.
3. Mr. Jayabhar, learned Advocate for the Appellant/Claimant, submits that while deciding the reference, the Appellant had led expert evidence regarding the valuation of the trees standing on the acquired land. However, due to an inadvertent mistake in the expert's report relating to the age of the trees, the valuation was not properly considered by the learned Reference Court. He, therefore, submits that the matter deserves to be remanded to the learned Reference Court by granting one opportunity to the Appellant to prove the correct

valuation.

4. Learned AGP for the State supports the impugned order and opposes to remand the matter.

5. I have heard the learned Advocate for the Appellant/Claimant and perused the impugned judgment and award. The record reveals that the expert, whose valuation report was produced before the learned Reference Court, was duly examined. The Appellant was fully aware of the contents of the valuation report. During his examination-in-chief, which was recorded on 21.09.2011, the expert specifically deposed that the valuation report had been prepared by him, bore his signature, and assessed the value of the trees at Rs.6,34,636/-. The report was duly exhibited before the learned Reference Court. Thereafter, the reference came to be decided on 29.11.2011.

6. It is evident that during the pendency of the reference proceedings, the Appellant did not make any attempt to file an application before the learned Reference Court seeking recall of the expert witness or for correcting the alleged mistake in the valuation report. The Land Acquisition Reference was instituted in the year 1993, and the present First Appeal came to be filed in the year 2012. The matter is now taken up for final hearing after a considerable lapse of time. In these circumstances, when the Appellant had an adequate

opportunity before the learned Reference Court to seek appropriate relief but failed to do so, I am not inclined to remand the matter at this belated stage.

7. Accordingly, I find no merit in the present appeal. The appeal is, therefore, dismissed. There shall be no order as to costs.

8. Pending Civil Applications, if any, also stand disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

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