

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

CIVIL REVISION APPLICATION NO. 154 OF 2015

Shankar Bhimrao Gilbile,
Age - 65 years, Occu. : Agriculture,
R/o Shirala, Tq. Paranda,
District-Osmanabad. .. Petitioner

Versus

The State of Maharashtra,
Through : The Collector,
Osmanabad. .. Respondent

Shri M. C. Ghode, Advocate h/f Shri Manish P. Tripathi,
Advocate for the Petitioner.
Shri S. G. Sangle, A. G. P for the Respondent/State.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 02ND SEPTEMBER, 2015.**

ORAL JUDGMENT :-

- . Heard the learned counsel for respective parties.
2. The reference filed by the present petitioner U/Sec. 18 of the Land Acquisition Act has been rejected on the ground that no evidence has been led by the petitioner.
3. The learned counsel for the petitioner submits that, it is because of unavoidable circumstances the petitioner could not

lead the evidence. The petitioner resides in a rural remote village and is age-old person. As such could not adduce the evidence.

4. Mr. Sangle, the learned Assistant Government Pleader submits that, ample opportunity is given by the Reference Court, however, petitioner did not choose to lead evidence.

5. I have considered the submissions canvassed by learned counsel for respective parties. It appears that, the petitioner is resident of remote rural village and is also a age-old person. The agricultural land i. e. only source of livelihood has been acquired. Considering the reasons given, I am inclined to grant one more opportunity to the petitioner. However, in case the Reference Court enhances the compensation amount, then in that case the petitioner would not be entitled for the statutory benefits from 10.07.2012 till 30.09.2015.

6. In the result, I pass the following order.

7. The impugned order is quashed and set aside. The L. A. R. No. 56 of 2011 is restored to its original position. The parties shall appear before the Reference Court on 30th September, 2015. Considering the fact that matter is remanded back, the Reference Court shall decide the Reference expeditiously and

preferably within a period of one year from the date of appearance of the parties. It is made clear that, in case Reference Court arrives at conclusion to grant enhancement, then in that case the petitioner would not be entitled for the statutory benefits from 10.07.2012 till 30.09.2015. The civil revision application is partly allowed. No costs.

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Sept. 15