

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

Writ Petition No.1484 of 2015

Sangamner Audyogik Sahakari Vasahat
Maryadit, Ghulewadi,
Taluka Sangamner, District Ahmednagar
Through its Manager
Kashinath Kundlik Dongare.

.. Petitioner.

Versus

The State of Maharashtra
And Others.

.. Respondents.

Shri. Shivaji T. Shelke, Advocate, for petitioner.

Shri. A.V. Deshmukh, Assistant Government Pleader, for
respondent No.1.

Shri. K.S. Bhore, Advocate, for respondent Nos.2 and 3.

CORAM: T.V. NALAWADE, J.

DATE : 9th MARCH 2015

ORDER:

1) The petition is filed to challenge the order made on Exhibit 78 filed in LAR No.45/2004 which is pending before the Civil Judge, Senior Division, Sangamner, District Ahmednagar. It appears that the present petitioner, acquiring body, had taken objection to

the additional evidence which the claimants intended to lead and this objection is turned down by the learned Civil Judge, Senior Division. Both the sides are heard.

2) This Court has gone through the judgment and order of First Appeal No.2663/2013 with connected matters. This Court had set aside the decision of the Reference Court and the matter was remanded back for deciding the matter afresh. The parties were to appear before the Reference Court and the Reference Court was to decide the matter afresh and thereby this Court had given opportunity to both the sides to prove their respective cases. Only because some observations are made that the record which was considered the SLAO was not referred by Reference Court, that does not mean that the Reference Court is restricted that way and it cannot consider other record.

3) Learned counsel for the petitioner placed reliance on a case reported as **AIR 1987 Rajasthan 75 (Chote Lal v. Kalyan Prasad)**. In this case the High Court has observed that when the matter is remanded the trial

Court will have to act within the jurisdiction allowed and not beyond. There cannot be any dispute over this proposition. This Court had not restricted the jurisdiction of the Reference Court in any way.

4) Thus there are no merits in the present petition. The petition is dismissed.

Sd/-
(T.V. NALAWADE, J.)

rsl