

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Civil Appellate Jurisdiction.**

FIRST APPEAL NO. 1148 OF 2014.

SANTOSH BHAGWAN KHARAT.

VERSUS

THE STATE OF MAHARASHTRA TORUGH COLLECTOR, JALNA.

Appearance =>

Mr. S.S. Patunkar, Advocate h/for Mr. J.P. Legal Associates for the Appellant.

Mr. D.V. Tele, Additional Government Pleader for the State.

Coram : S.V. Gangapurwala, J.

Date : 1st October, 2015.

Per Court :-

Land Reference Application No.1739 Of 2010 filed by the present Appellant under Section 18 of the Land Acquisition Act was dismissed on 4th December, 2013. Aggrieved thereby the present Appeal.

[2] The learned counsel for the Appellant submits that the Appellant could not adduce the evidence before the Court, in fact due to communication gap between the Advocate and the Litigant. Even the Advocate for the Appellant was absent therefore, further date of hearing was not communicated to the Appellant. The Appellant is poor labourer and resides in remote village.

[3] The learned counsel for the Appellant submits that, one more opportunity be given to the Appellant to adduce the evidence.

[4] Though Respondent No.3 is served, none appeared for Respondent No.3.

[5] I have heard the learned Additional Government Pleader. He states that, ample opportunities were already granted to the claimant however, the claimant failed to adduce the evidence. Reference Court has rightly dismissed the Reference, in absence of the evidence.

[6] I have considered the submissions. It appears that the Appellant is rustic person residing in remote rural area. His occupation is shown as Labourer. His agricultural land is acquired. It would also appear from the judgment that the Advocate of the Appellant also remained absent. Grounds put forth by the claimant can be accepted.

[7] I am inclined to grant one more opportunity to the claimant. In the light, impugned Judgment and Award is quashed and set aside.

[8] L.R.A.NO.1739/2010 is restored to its original position. Parties shall appear before the Revisional Court on 30th October, 2015. Respondent No.3 has not appeared. Reference Court shall issue notice to Respondent No.3.

[9] Considering the fact that, matter is remitted back, the Reference Court shall make endeavour to dispose of the Reference, expeditiously. First Appeal accordingly partly allowed. No costs.

(S.V. GANGAPURWALA, J.)