

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

FIRST APPEAL NO. 1186 OF 2014

Hiralal S/o Sukhlal Chaudhari,
Age : 59 Years, Occu. : Agril.,
R/o Kalamsare, Tq. Amalner,
Dist. Jalgaon. .. Appellant

Versus

1. The Special Land Acquisition Officer,
Amalner.
2. The Executive Engineer, P.W.D.,
Amalner, Dist. Jalgaon. .. Respondents

Shri Ajeet B. Kale, Advocate for the Appellant.
Shri S. G. Sangle, A.G.P. for the Respondent No. 1.
Mrs. Chaitali Chaudhari Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 25TH AUGUST, 2015.**

ORAL JUDGMENT :

. Heard.

2. The learned counsel for the appellant submits that, the reference filed by the present appellant U/Sec. 18 of the Land Acquisition Act is dismissed as the appellant could not remain present and adduce evidence. The learned counsel submits that, there was communication gap between the advocate and the

appellant and as such could not prosecute the reference.

3. The learned Assistant Government Pleader and the learned counsel for the respondent No. 2 submit that, ample opportunity was given to the appellant to adduce evidence, but no evidence was adduced. In absence of the evidence, the Court has rightly concluded about the market value. Now the appellant cannot make any grievance.

4. With the assistance of learned counsel, I have gone through the judgment. It appears that the appellant is rustic villager and residing in rural area.

5. There is no reason to doubt the grounds stated by the appellant. The land of the appellant has been acquired.

6. In the light of the above, I am inclined to grant one more opportunity to the appellant to put forth his case.

7. In view of the above, the impugned judgment and award is quashed and set aside. Reference bearing L.A.R. No. 207 of 2002 is restored to its original position. The parties shall appear before the Reference Court on 21.09.2015. In view of the fact that parties are directed to appear before the Reference Court on 21.09.2015, there is no need for the Reference Court to issue

separate notices. The Reference Court shall after giving opportunity to adduce the evidence decide the reference expeditiously. The first appeal accordingly is partly allowed. No costs.

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Aug. 15