

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

Civil Revision Application No. 242 of 2015

* Parwatibai w/o Wamanrao Paul
(Patil),
Age 65 years,
Occu: Household & Agriculture,
R/o Shend, Taluka Shirur Anantpal,
District Latur. **.. Applicant.**

Versus

- 1) The State of Maharashtra
Through Collector, Latur.
- 2) The Executive Engineer,
Latur Medium Project
Division, Latur, District Latur. **.. Respondents.**

Shri. B.N. Patil, Advocate, for applicant.

Shri. S.Y. Mahajan, Advocate, for respondent No. 1 & 2.

CORAM: T.V. NALAWADE, J.

DATE : 8th DECEMBER 2015

JUDGMENT:

- 1) Rule, rule made returnable forthwith. By
consent heard for final disposal.

2) The proceeding is filed to challenge the judgment and order of the Reference Court in Land Acquisition Reference No.71/2011 which was pending in the Court of the Civil Judge, Senior Division, Nilanga. The LAR filed by the applicant is dismissed on the ground that she did not remain present and she did not give evidence. Both the sides are heard.

3) Learned counsel for the applicant submits that the Advocate had not informed about the date fixed for hearing and the blame goes to the Advocate. He placed reliance on a case reported as **2004 (1) Mh.L.J. 980 (Kawadu v. State of Maharashtra)**. In that case this Court has held that the Land Acquisition Reference cannot be dismissed due to absence of the applicant and opportunity needs to be given to the applicant to lead evidence. It was a proceeding filed for enhancement of compensation. In view of these circumstances and the observations made by this Court in the above referred case, this Court holds that opportunity needs to be given to the applicant.

4) The learned counsel for applicant made statement that the applicant will not claim interest for the period like date of dismissal of reference till the date of decision of this revision application.

5) In the result, the civil revision petition is allowed. The judgment and order of the Reference Court is hereby set aside. The matter is remanded back to the Reference Court for fresh trial. The parties are to appear before the Reference Court on 11-1-2016. The matter is to be disposed of within six months from the date of appearance. If no cooperation is given by the applicant and no evidence is adduced, the Reference Court will be at liberty to pass appropriate orders. Rule is made absolute in the above terms.

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

rsl