

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

BENCH AT AURANGABAD

...

909 CIVIL REVISION APPLICATION NO. 191 OF 2015

LIMBAI SADASHIV CHENDAKE AND ANOTHER

VERSUS

STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD AND

ANOTHER

Advocate for Applicants : Mr.Ingale Vivekanand V.

AGP for Respondents State: Mr. D. V. Tele

...

WITH

910 CIVIL REVISION APPLICATION NO. 192 OF 2015

HARIBA SIDHU GHODAKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD

Advocate for Applicants : Mr.Ingale Vivekanand V.

AGP for Respondents State: Mr. S. M. Jadhav

WITH

911 CIVIL REVISION APPLICATION NO. 193 OF 2015

LACHANABAI TATYARAO BHAGAT

VERSUS

THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr.M. P. Tripathi h/for Mr.

Gajanan K. Sontake

AGP for Respondents State: Mr. D. V. Tele

...

WITH

912 CIVIL REVISION APPLICATION NO. 194 OF 2015

VYANKAT SIDHU GHODAKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD

AND ANOTHER

...

Advocate for Applicants : Mr.Ingale Vivekanand V.

AGP for Respondents State: Mr. S. M Jadhav

WITH

913 CIVIL REVISION APPLICATION NO. 195 OF 2015

VITHAL RAMA KUMBHAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD  
AND ANOTER

...

Advocate for Applicants : Mr.Ingale Vivekanand V.

AGP for Respondents State: Mr. D. V. Tele

WITH

914 CIVIL REVISION APPLICATION NO. 196 OF 2015

NILKANTH AMBAJI JADHAV DIED THROUGH LRS PANDURANG

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD  
AND ANOTHER

...

Advocate for Applicants : Mr.Ingale Vivekanand V.

AGP for Respondents State: Mr. D. V. Tele

WITH

915 CIVIL REVISION APPLICATION NO. 197 OF 2015

GOVIND SIDHU GHODAKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD  
AND ANOTHER

...

Advocate for Applicants : Mr.Ingale Vivekanand V.

AGP for Respondents State: Mr. S. M. Jadhav

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**CORAM : S. V. GANGAPURWALA, J.**

**DATE : 22nd September, 2015**

**PER COURT :**

1. The applicants herein had filed references under section 18 of the Land Acquisition Act. The said references are dismissed.

2. The learned counsel for the applicants submit that the applicants are agriculturists, residing in remote rural village. They were not having knowledge of the date fixed by the Court for adducing evidence. According to the learned counsel, the Advocate of the applicants did not communicate the date. According to learned counsel, one more opportunity be given to the applicant to contest the said references on merit. Agricultural land of the claimants are acquired. In some of the matters, claimants are illiterate ladies.

3. Learned AGP states that ample opportunity was given to the claimants to adduce evidence. However, the claimants failed to adduce evidence. No illegality has been committed by the Reference Court while dismissing the references.

4. I have considered the submissions.

5. From the order, it appears that the Reference Court had given opportunity to the applicants to adduce evidence but the applicants failed to adduce evidence. The matter was also being adjourned.

6. In many of the matters, I have seen that claimants are age old persons and they are agriculturists, residing in remote rural village. They only rely on advocate. There appears to be communication gap. However, it is also duty of the claimants to keep track of further proceedings. Balance will have to be struck considering the fact that source of livelihood is acquired.

7. In light of above, I am inclined to grant one more opportunity to the claimants, however by putting certain terms i.e. in case the enhancement is granted, the petitioner shall not be entitled for the statutory benefit for the delayed period.

8. In the result, I pass following order:

- i. The impugned order is quashed and set aside.
- ii. The parties shall appears before the Reference Court on 15<sup>th</sup> October, 2015.
- iii. It is made clear that if reference Court grants enhanced compensation, then the applicants would

not be entitled for the statutory benefit from the date when matter was fixed for evidence till 15<sup>th</sup> October, 2015.

- iv. Civil revisions applicants are accordingly disposed of.
- v. Copy of this order be sent to the concerned reference Court.
- vi. The applicant in CRA 193/2015 shall pay Court fees on or before 15<sup>th</sup> October, 2015. If the Court fees is not paid on or before 15<sup>th</sup> October, 2015, then the said matter shall stand dismissed.

( S. V. GANGAPURWALA, J. )

JPC