

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

FIRST APPEAL NO. 113 OF 1999

Bhagwan S/o Gundiba Sulakhe
since deceased – through his legal
representatives:-

- a] Smt. Subhadrabai w/o Bhagwan Sulakhe
Age: 70 years, Occu: Household,
R/o. Padoli (AA), Tq. & Dist. Osmanabad
- b] Dnyandeo s/o Bhagwan Sulakhe
Age: 57 years, Occu. Agril.,
R/o. As above
- c] Mohan s/o Bhagwan Sulakhe
Age: 50 years, Occu: Agril.,
R/o. As above.
- d] Sow. Shalubai w/o Prabhu Hawal
Age: 53 years, Occu. Household,
R/o. Kadgaon, Tq. & Dist. Latur
- e] Sow. Padminbai Tukaram Chavan,
Age: 47 years, Occu: Household,
R/o. As above.

... APPELLANTS

Versus

The State of Maharashtra
through the Collector, Osmanabad

...RESPONDENT

Mr. Prashant K. Deshmukh, Advocate for appellant.
Mr. S. P. Daund, Asstt. Govt. Pleader for respondent.

CORAM : M. T. JOSHI, J.
DATE : JANUARY 16, 2015

ORAL JUDGMENT

1. Heard both sides.
2. During hearing, the learned counsel for appellants submits
that learned Civil Judge Senior Division, Osmanabad, had

dismissed Land Acquisition Reference No.286 of 1994 on 26-08-1997 on the ground that in E-statement at Exhibit-16 originally, the name of the owner of the acquired land was shown to be Bhagwan Limba Sulakhe while the name of the original claimant is Bhagwan Gundiba Sulakhe. The impugned judgment would show that learned judge refused to rely on E-statement as the same was later on amended.

3. Learned counsel for the appellants submits that appellants want to file some more documents and matter may be remanded back.

4. In the circumstances, following order;

5. Appeal is allowed without any order as to costs. The award in Land Acquisition Reference No. 286 of 1994 delivered by the learned Civil Judge Senior Division, Osmanabad, is hereby quashed and set aside. The case is remanded back to the learned Civil Judge Senior Division, Osmanabad for decision afresh on the ground of competency of the original applicant Bhagwan Gundiba Sulakhe to file the said land acquisition reference and also on the issue of just compensation.

6. The appellants are permitted to file additional documents, limited to the competency only, including public document, if any, within a period of two month from the date of appearance

before the reference court. Thereafter, the learned Civil Judge Senior Division, Osmanabad to allow the parties to argue the matter and then pass decision afresh in the light of the above observations within a period of six months thereafter.

7. Parties to appear before the learned Civil Judge Senior Division, Osmanabad, on 25-02-2015.

8. Record and proceedings be sent back to the court of learned Civil Judge Senior Division, Osmanabad.

9. Appeal is accordingly, disposed of.

(M. T. JOSHI, J.)

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