

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

37 CIVIL REVISION APPLICATION NO. 125 OF 2015

CHANDRAKALA PARMESHWAR UGALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA
AND OTHERS

...

Advocate for Petitioners : Mr. Chavan Sudhir K & Mr.
R.K. Shingnapure

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

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CORAM : S. V. GANGAPURWALA, J.

DATE : 14th September, 2015

PER COURT :

1. Heard learned counsel for the respective parties.

2. Reference filed by the claimant has been dismissed as the claimant has not adduced any evidence. Leaned counsel for the applicant states that the claimant is an illiterate lady. There was communication gap between the advocate and the litigant. As such, the applicant could not attend the court.

3. Learned AGP submits that ample opportunity was given to the claimant to adduce evidence, but the

claimant did not avail the said opportunity. No illegality has been committed by the Reference court.

4. I have considered the judgment. It appears that the claimant is an illiterate lady, residing in a remote rural village. Reason given by the claimant for not attending the Court can be accepted. Agricultural land of the claimant is acquired. In the interest of justice, I am inclined to grant one more opportunity to the applicant.

5. In light of above, I pass following order:

- i. The impugned order is quashed and set aside.
- ii. LAR No.2137/2010 is restored to its original position.
- iii. Parties shall appear before the Reference Court on 12th October, 2015.
- iv. Considering the fact that the parties are entitled to adduce their evidence and that the matter is remitted back to the Reference

Court, the Reference Court shall endeavour to dispose of the Land Acquisition Reference expeditiously, preferably within 9 month from the date of appearance.

- v. Revision application is accordingly disposed of. No costs.

(S. V. GANGAPURWALA, J.)

JPC