

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 269 OF 2015

Baburao S/o Manikrao Jadhav,
Age 48 years, Occ. Agri.
R/o Khadgaon, Tq. Dist. Latur.

**.. Applicant
(orig.Claimant)**

Versus

1. The State of Maharashtra
Through the Collector,
Latur District Latur

2.The Executive Engineer
Public Works Division
Latur

**.. Respondents
(orig. respondents)**

Shri. R.B. Deshmukh, Advocate for applicant.

Shri.R.B. Bagul, AGP for respondent/State.

CORAM : T.V. NALAWADE, J.
DATED : 10th December, 2015.

JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent,
heard both the sides for final disposal.

2. The learned counsel for the petitioner submitted that
the matter is decided by the Reference Court in absence of the
owner, claimant and no evidence was given. He submitted that it
is compulsory acquisition of the land and the opportunity needs

to be given to the petitioner to lead evidence. He submitted that there was communication gap between the petitioner and his counsel and the blame goes to the learned counsel appointed in Reference Court.

3) The judgment delivered by the Reference Court shows that the claimant did not turn up and no evidence was given. In view of the decision given by this Court reported as **2004 (1) Mh.L.J. 980 [Kawadu s/o. Madhav Bansod Vs. State of Maharashtra and Anr.]**, this Court holds that such decision cannot be treated as award. In view of these circumstances and for giving opportunity to the petitioner, this Court holds that the decision of the Reference Court needs to be set aside.

4) The learned counsel for petitioner made a statement that the petitioner will not claim interest from the date of decision i.e. from 25.11.2011 to till today on the compensation if at all enhanced by the Reference Court.

5) In view of these circumstances, the petition is allowed. The judgment and award of the Reference Court is

hereby set aside. The matter is remanded back to the Reference Court for deciding it afresh. The Reference Court is to give opportunity to both the sides to lead evidence. The Reference Court is to dispose of the matter expeditiously and in an case, within four months from the date of receipt of this order. If the petitioner does not cooperate and does not lead evidence, there will be liberty to the Reference Court to pass similar order.

[T.V. NALAWADE, J.]

ssc/