

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

CIVIL REVISION APPLICATION ST. NO. 20366 OF 2014

Arun Dhanappa Ausekar	.. Petitioner
Versus	
The State of Maharashtra and others	.. Respondents

Shri Vivekanand V. Ingale, Advocate for the Petitioner.
Shri A. P. Basarkar, A.G.P. for Respondent Nos. 1 and 2.
Shri Dhananjay Deshpande, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 09TH OCTOBER, 2015.**

PER COURT :

. Mr. Ingale, the learned counsel for the petitioner submits that, the claimant could not lead the evidence as the claimant was not intimated by the advocate. The learned counsel submits that, initially reference was filed at Court at Osmanabad. Thereafter, the same was transferred to Court at Omerga. The petitioner could not get the knowledge of the proceedings, as such could not appear before the Reference Court. Even the advocate who was engaged was from Osmanabad. He could not communicate.

2. Mr. Deshpande, the learned counsel for the acquiring body and the learned Assistant Government Pleader oppose the application on the ground that, ample opportunity was given by the Court to the petitioner, however, the petitioner/claimant failed to adduce the evidence.

3. I have considered the submissions canvassed by the learned counsel for respective parties.

4. The claimant appears to be residing in remote rural village. The claimant is also a rustic person. His agricultural land i. e. source of livelihood has been acquired. It was also stated that, the reference was filed at Osmanabad. Thereafter, it was transferred at Omerga Court. Considering the above, I am inclined to grant one more opportunity to the claimant. However, the claimant can be put to certain terms and conditions.

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

6. The impugned judgment and award is quashed and set aside. The reference bearing L.A.R. No. 65 of 2008 (Old L.A.R. No. 1188 of 2002) is restored to its original position. The parties shall appear before the Reference Court on 16.11.2015. In case the Reference Court comes to the conclusion to enhance compensation amount, in that case, the claimant would not be entitled for the statutory benefits for the period from 26.02.2013 till 15.11.2015. The copy of this order be sent to the concerned Reference Court.

[S. V. GANGAPURWALA, J.]