

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Civil Appellate Jurisdiction.**

CIVIL REVISION APPLICATION NO.217 OF 2015.

Narsing Ram Mule.
VERSUS
The State of Maharashtra.

Appearance =>

Mr. Vivek Ingale, Advocate for the Applicant.

Mr. D.V. Tele, Additional Government Pleader for Respondent – State.

CORAM : S.V. Gangapurwala, J.

DATE : 8th October, 2015.

Per Court :-

Being aggrieved by the compensation awarded by the Special Land Acquisition Officer, the present Applicant has filed Land Reference Application under Section 18 of the Land Acquisition Act. Said Land Reference Application No.326/05 was dismissed by the Reference Court on 30th September, 2008. Being aggrieved by the said Judgment and Award, present Civil Revision Application is filed.

[2] Mr. Ingale, learned counsel for the Applicant submits that the Land Reference Application was filed with the District Collector, Osmanabad, who transmitted the same to the Court. The Applicant has engaged the Advocate from Osmanabad to represent him before the Court. In the year 2008, Land Reference Applications were transferred to the Court at Omarga, District - Osmanabad. The

Advocate engaged by the Applicant to represent him was practicing at Osmanabad. After the matters were transferred to the court at Omerga, the Applicant could not get the knowledge of the said proceedings. The Applicant is residing in the village.

[3] The learned counsel for the Applicant submits that the Applicant was not intimated about the date of hearing of the L.R.A., therefore, he could not adduce the evidence before the court.

[4] The learned Additional Government Pleader states that after filing of the L.R.A., the Applicant did not take any steps in prosecuting the said Land Reference Application. No evidence was adduced by him before the Court. Accordingly, on the basis of available record, the Reference Court has rightly decided these Land Reference Application.

I have gone through the impugned Judgment.

[5] Initially the L.R.A were filed in the court at Osmanabad and subsequently, in the year 2008, said L.R.A. were transferred to the court at Omerga. The Judgment shows that, the Applicant was represented by Lawyer however, the Judgment nowhere records that Lawyer has attended the matter any point of time.

[6] Upon going through the cause title, it is apparent that the Applicant is rustic persons residing in remote village. He certainly rely upon the Advocate. It is also contended that, agricultural land was the only source of his livelihood and same was acquired.

[7] Considering the aforesaid aspects of the matter, I am inclined to grant one more opportunity to the claimant. However, in case, Reference Court comes to the conclusion to enhance the compensation amount, then the claimant would not be entitled for the statutory benefits for the delayed period i.e. from 2009 till date. Same would be in tune of ratio laid down in case of **Ramanlal Deochand Shah V/s. The State of Maharashtra and others, reported in AIR 2013 S.C. 3452.**

[8] In the light of above, impugned Judgment and Award are quashed and set aside. Matter is relegated before the Reference Court. Parties shall appear before the Reference Court on 16th November, 2015. Parties are entitled to adduce the evidence before the Court.

[9] In case, the Reference Court comes to the conclusion to enhance the compensation amount then in that case, the Applicant would not be entitled for statutory benefits, from June - 2008 till 15th November, 2015.

[10] Civil Revision Application are disposed of accordingly. No costs.

(S.V. GANPURWALA, J.)