

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

CIVIL REV. APPLICATION STAMP NO. 29142 OF 2014

Shankar Ganpati Salunke Died
Through his wife Shakuntala and
others .. Petitioners

Versus

The State of Maharashtra through
Collector Osmanabad. .. Respondent

Shri Ganesh V. Patil, Advocate for Petitioners.
Shri S. M. Ganachari, A.G.P. for the Respondent.

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

PER COURT :

. The reference U/Sec. 18 of the Land Acquisition Act (for short "L. A. Act") filed by petitioners is dismissed by the Reference Court.

2. According to the learned counsel for petitioners, the matter was transferred from Osmanabad Court to Omerga Court. The petitioners had received the notice, but the advocate engaged was also from Osmanabad and every stage was not intimated by the advocate engaged by petitioners. The learned counsel further submits that, the petitioner No. 1 had also died, who was looking

after the matter. The learned counsel submits that, an opportunity be given to the claimants to adduce the evidence and contest the reference on merits.

3. The learned Assistant Government Pleader submits that, ample opportunity is granted to the claimants, however, the claimants did not avail the same. In absence of evidence the order is rightly passed.

4. I have heard the submissions canvassed by the learned counsel for the respective parties.

5. It appears that, initially the reference was filed at Osmanabad. However, subsequently it was transferred to the Omerga Court. The claimants appear to be residing in remote rural village and appears to be illiterate. The claimants are agriculturists. The reasons put forth by the claimants appear to be plausible reasons in view of that, I am inclined to grant one more opportunity to the claimants, however, with certain conditions.

6. In the light of above the impugned judgment and award is quashed and set aside. The reference bearing L.A.R. No. 1272 of 2009 is restored to its original position. The parties shall appear before the Reference Court on 16.11.2015. The parties are

permitted to adduce evidence. In case the reference Court comes to the conclusion to enhance the compensation amount, in that case the claimants would not be entitled for statutory benefits from 05.04.2010 to 15.11.2015. The civil revision application is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15