

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

FIRST APPEAL NO. 3025 OF 2013

YOGIRAJ VAIJINATH PALAPURE
VERSUS
THE STATE OF MAHARASHTRA AD ANOTHER

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Mr Manale, Advocate for the appellant
Mr D. V. Tele, AGP for respondent No. 1
Mr D. V. Soman, Advocate for respondent No. 2

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CORAM : **S. V. GANGAPURWALA, J.**
DATE : **11TH SEPTEMBER, 2015.**

PER COURT:

. The reference filed by the present appellant is dismissed for non-adducing of evidence. Mr Manale, learned Counsel for the appellant submits that the appellant completely relied on his Advocate but the appellant did not receive any intimation about the date fixed for evidence. The appellant resides in a remote village. The agricultural land of the appellant is acquired and opportunity be given to the appellant.

2. Mr. Soman, the learned Counsel for respondent No. 2 and the learned AGP oppose the appeal on the ground that ample opportunity was given to the appellant but appellant failed to plead any evidence. No illegality has been committed while passing the impugned order.

3. I have considered the submissions. It appears that the appellant resides in a remote rural village and is an agriculturist. The

agricultural land has been acquired. Normally, the litigant would rely upon the Advocate, at least in such cases. Considering this aspect, I am inclined to grant one more opportunity to appellant to adduce the evidence, however, for the delayed period, the appellant would not be entitled for statutory benefits. In the result, I pass the following order.

ORDER

- (i) The impugned order is quashed and set aside.
- (ii) L.A.R. bearing No. 557 of 2000 is restored to its original position.
- (iii) The parties shall appear before the reference Court on 5th October, 2015. The parties are at liberty to adduce the evidence.
- (iv) In case, the reference Court comes to a conclusion to enhance the compensation amount, then the present appellant would not be entitled for the statutory benefits for the delayed period from 29th June, 2013 to 5th October, 2015.

First Appeal accordingly disposed of.

[S. V. GANGAPURWALA, J.]