

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

**CIVIL APPLICATION NO. 13200 OF 2014
IN
CIVIL APPLICATION STAMP NO. 32016 OF 2014**

Sou. Sushila Gurling Kamble .. Applicant

Versus

The State of Maharashtra through
The Collector Osmanabad .. Respondent

Shri Sanjay A. Wakure, Advocate for the Applicant.
Shri S. P. Sonpawale, A.G.P. for Respondent.

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

PER COURT :

. This is an application for condonation of delay. Heard the learned counsel for the applicant and non applicants. For the reasons stated in the application, the application is allowed. The delay is condoned. The civil application is disposed of.

[S. V. GANGAPURWALA, J.]

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CIVIL APPLICATION STAMP NO. 32016 OF 2014

.. Applicant

Versus

.. Respondents

Shri _____, Advocate for the Applicant.

Shri _____, A.G.P. for Respondent Nos.

Shri _____, Advocate for the Respondent No.

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 the petitioner is dismissed by the Reference Court.

2. The learned counsel for the petitioner submits that, the reference filed by the present petitioner was transferred from Osmanabad to Paranda in the year 2012. The petitioner could not appear before the Court at Paranda. The advocate which was engaged was from Osmanabad. He also did not attend the

proceedings, nor intimated the present petitioner. As such, the evidence could not be led. The house of the present petitioner is acquired. The petitioner be given one opportunity to prosecute the reference.

3. The learned Assistant Government Pleader submits that, ample opportunity is given to the petitioner, however, the petitioner failed to adduce any evidence. No illegality is committed by the Reference Court in passing the order.

4. It appears that, initially the reference was filed at Osmanabad and same is transferred at Paranda. Perusal of roznama shows that, the same is transferred in the year 2012 as the notices are issued in the year 2012.

5. The claimant is a lady residing in remote rural village. She appears to be a rustic person and illiterate. Considering the fact that, the matter was subsequently transferred to Paranda Court, I am inclined to grant one more opportunity to the claimant to adduce the evidence, however, subject to certain conditions.

6. In the result I pass the following order. The impugned judgment and award passed by the Reference Court is quashed and set aside. The reference bearing L.A.R. No. 157 of 2010 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 the compensation amount, in that case the claimant would not be entitled for statutory benefits from 08.10.2012 to 15.11.2015. The civil revision application is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15