

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 204 OF 2014

**MAHADEO NAMDEO SABALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicants : Mr. Devakate Anant R
Advocate for Respondent No.2 : Mr. Rajale Gulab B.

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CORAM : S. V. GANGAPURWALA, J.

DATE : 24th August, 2015

PER COURT :

1. Mr. Deokate, the learned counsel submits that the Land Acquisition Reference was transferred from the Court of Civil Judge Senior Division Osmanabad to the Court of Civil Judge Senior Division, Paranda. However, the applicants were not served with the notice of transfer as such could not adduce evidence and the matters were decided in the absence of the petitioners on 17.07.2012. The learned counsels submits that the non appearance of the applicants was not deliberate and intentional but it was only because the petitioners did not have the knowledge of transfer of the proceedings, they could not make arrangement to engage Advocate and lead evidence.

2. Mr. Rajale learned counsel for respondent No.2 submits that after the matters were transferred, the applicants were served with

the notice, they appeared through their advocate and thereafter, as the applicants failed to adduce evidence inspite of giving an ample opportunity, the learned judge rightly passed the order.

3. With the assistance of learned counsel, I have gone through the judgment and considered the submissions.

4. It appears that the petitioners were served with notices of the transfer of proceedings, pursuant to which they also engaged advocate. However, it appears that the petitioners are resident of remote village and considering the difficulty faced by them in contacting the advocate, the applicants could not adduce evidence. The matter is with regard to the quantum of compensation in respect of the agricultural land of the applicants being acquired i.e. their source of livelihood itself is acquired.

5. Considering the above, I am inclined to grant one more opportunity to the applicants to adduce evidence. In the light of that the impugned judgment and award is quashed and set aside.

6. L.A.R. No.594/2011 is restored to its original position.

7. The parties shall appear before the Reference Court on 21.09.2015. The parties are at liberty to adduce evidence.

8. Considering the fact that the matter is remitted to the Reference Court, the Reference Court shall endeavour to dispose of the matter expeditiously. Civil Revision Application is accordingly disposed of. No costs.

9. Authenticated copy be supplied.

(S. V. GANGAPURWALA, J.)

JPC