

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

8 CRA NO. 303 OF 2015

**DATTU BHUJA RAUT DIED
THROUGH LRS SUBDHARABAI AND ORS.**

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH COLLECTOR OSMANABAD
AND ANR.**

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Mr. V.V.Ingale, Advocate for Applicants.

Mr. S.P.Sonpawle, A.G.P. for R -1.

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CORAM : T.V.NALAWADE, J.

DATE : 18th JULY, 2016

ORAL ORDER :-

1. The proceeding is filed to challenge the Judgment and Award of the Reference Court. It appears that the present applicant/original claimant of Reference did not show interest in prosecuting the matter and he did not lead evidence and so the matter came to be decided on the basis of the record viz. Award prepared by the Special Land Acquisition Officer. Heard both sides.

2. It appears that no Award as such is given by the

Reference Court, as no evidence is given and the matter is dismissed. This Court holds that opportunity needs to be given to the claimant to get the decision on merit.

3. Learned counsel for the applicant placed reliance on the case reported as *AIR 2013 Supreme Court - 3452 [Ramanlal Deochand Shah Vs. State of Maharashtra & Anr.]*.

4. In the result, application is allowed. The Judgment and Award of the Reference Court is set aside. Liberty is given to the applicant and other side to lead the evidence. This order is made subject to condition that from the date of the Judgment of the Reference Court till today, interest is waived if the claimant gets enhanced compensation. The parties are to appear before the Reference Court on 26/08/2016. The Reference Court is to decide the proceeding expeditiously and preferably within 6 months from the date of receipt of the order of this Court. If no interest is shown to prosecute the proceeding, again the matter can be dismissed.

[T.V.NALAWADE, J.]