

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

913 CRA NO. 102 OF 2016

ARUN BHAGWANRAO PATIL AND ORS.

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS**

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Mr. S.N.Patne, Advocate for Applicants.

Mr. S.P.Sonpawle, A.G.P. for R – 1.

Mr. B.R.Surwase, Advocate for R – 2 & 3.

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CORAM : T.V.NALAWADE, J.

DATE : 11th AUGUST, 2016

ORAL ORDER :-

. The Revision is filed to challenge the Judgment and Award of the Reference which was pending before the Civil Judge [Sr. Division], Omerga, district Osmanabad. Heard both sides.

2. It appears that the Reference Court has dismissed the Reference filed by the present applicants by holding that no evidence is given. It appears that the Reference Court has considered only the material submitted by the Special Land

Acquisition Officer.

3. In view of these circumstances, the decision can not be treated as Award. This Court holds that opportunity needs to be given to the parties to get the decision on merits. Nothing could have been achieved by the claimants by not leading evidence. So, the Judgment and Award of the Reference Court is set aside. The matter is restored to its original number subject to condition that the claimants will not be entitled to the interest for the period starting from 31/03/2012 till today, if the applicants gets enhancement of the compensation. The parties to appear before the Reference Court on 30/09/2016. The Reference Court is to decide the matter within 4 months from the date of the order of this Court. If the claimants neglects to give the evidence again, the Reference Court is to dismiss the Reference again and then there will be no interference from this Court.

[T.V.NALAWADE, J.]