

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.1077 OF 2006

Yashwant s/o Bapurao Ghuge
(Died through L.Rs.)

1A Tulsabai w/o Yashwant Ghuge
and others. = **APPELLANT/S**

VERSUS

The State of Maharashtra Through
Collector, Beed & Anr. = **RESPONDENT/S**

Mr. SS Thombre, Advocate for Appellants;
Mr. PG Borade, AGP for Respondents

CORAM : P.R.BORA, J.

DATE : 27th June, 2017.

PER COURT :

1) Heard learned Counsel appearing for the appellants and learned AGP for the respondents.

2) After having gone through the impugned judgment, it is revealed that the Reference Court has rejected the Reference Application filed by the present appellants on technical grounds. It appears that the appellants committed mistakes in telling certain details as about Notification

published under Section 4 of the Land Acquisition Act and service of Notice under Section 12(2) of the Act. The Reference Court, in the circumstances has held that the claimant has failed in proving their case and has consequently rejected the Reference Application.

3) It appears to me that the Reference Court could not have rejected the Reference Application on these grounds. I, therefore, deem it appropriate to remit back the present matter to have just decision in the matter, to the Reference Court for deciding it afresh by giving due opportunities to the parties to the said proceeding to prove their respective contentions by adducing necessary evidence therefor. The appellant shall now take all care in bringing on record the necessary correct information so as to assist the Reference Court to arrive at the proper conclusion as about the claim preferred by them. In view of the above, following order is passed.

i) The impugned judgment and award dated 29th April, 2006 passed by I-Ad hoc Additional District Judge, Beed in LAR No.44/1999, is quashed and set aside;

ii) The matter is remitted back to the reference Court for deciding the LAR afresh by giving due opportunities to appellants – claimants as well as the respondents, as expeditiously as possible and preferably within six months from today;

iii) The parties to appear before the Reference Court on 12th July, 2017 and shall abide by the further instructions which may be imparted by the said court.

4) The first appeal is allowed in the aforesaid terms. Pending Civil Application, if any, stands disposed of.

(P.R.BORA)
JUDGE

bdv/