

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

919 CIVIL APPLICATION NO. 25 OF 2017
IN
FA/967/2015

DWARDKABAI TRIMBAK TEKALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : R.V.Ghogare h/f R V Naiknavare
AGP for Respondents: Mr S S Dande
Advocate for Respondent 2 : Mr Mr. B. R. Survase

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CORAM : V.K. JADHAV, J.
Dated: January 05, 2017
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PER COURT :-

1. Heard. Issue notice to respondents. The learned AGP waives notice for respondent no.1. Mr. Survase, learned counsel waives notice for respondent no.2.

2. The learned counsel for the applicant submits that the applicant is the owner of land block no.9 admeasuring 1H 5R and the same came to be acquired by the respondents. Even said area has also been mentioned in the notification under section 4 of the Land Acquisition Act as well as in the award passed by the L.A.O. However, inadvertently, while passing the judgment and award, in clause no.2 of the operative part of the order at serial no.4, area of block no.9 is shown as 1H 5R (half share). Learned counsel submits that,

the applicant has already filed Misc application before the reference court seeking aforesaid correction in the judgment and award, however, same is not possible unless and until record and proceedings is sent back to the Reference Court.

3. In view of the above, Record and Proceeding of LAR No.429/2003 be returned to the Reference Court i.e. Civil Judge S.D., Osmanabad with direction that after passing an appropriate order on the said pending Misc Application, the Reference Court shall send the record and Proceedings to this Court forthwith.

4. Civil Application disposed of.

(V.K. JADHAV, J.)

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aaa/-