

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.1091 OF 2019

Sayed Mohammad Shah Kadri ... Appellant

versus

Special Land Acquisition Officer ... Respondent

Mr. Shriram Kulkarni, for Appellant.
Mr. M.R.Patil, AGP, for Respondent.

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATE: 30th AUGUST, 2019

P.C.:

1. The above First Appeal is filed by the Appellant challenging the judgment and order dated 27th October, 2017 passed by the learned Joint Civil Judge, Senior Division, Alibag in Land Acquisition Reference No.347 of 2000. It is the case of the Appellant that on 27th October, 2017 his Advocate could not remain present. The learned Judge instead of dismissing the matter in default, dismissed the same on merits. In view thereof, the Appellant did not get any opportunity to lead evidence and/or to make submissions. In view thereof, the order dated 27th October, 2017 is set aside and the matter is remanded back to the Reference Court and the same shall

be decided on merits. The First Appeal is accordingly disposed of.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)