

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

FIRST APPEAL NO. 3815 OF 2017

1. Dr. Anil Suryabhan Athare
Age: 65 years, Occ: Agri., & Surgeon
2. Dr. Mrs. Anjali Anil Athare
Age: 59 years, Occu: Agri., & Medical Practitioner

Both R/o Athare Hospital,
Opp. Zopadi Canteen, Savedi,
Ahmednagar

... Appellants
(Orig. Claimants)

Versus

The State of Maharashtra

... Respondent

....
Mr. V. R. Dhorde, Advocate for appellants
Mr. S. N. Morampalle, AGP for respondent
....

**WITH
FIRST APPEAL NO. 1445 OF 2017**

1. The State of Maharashtra
Through – The Special Land Acquisition Officer
No.10, Ahmednagar
2. The Executive Engineer,
E.G.S. (Work) Division,
Ahmednagar

... Appellants
(Ori. Respondents)

Versus

1. Anil Suryabhan Athare
Age-58 yrs, Occu. Agril & Surgeon,

2. Anjali Anil Athare
Age – 52 yrs, Occu. Agril., & Doctor,

Both R/o. Athare Hospital,
Zopadi Canteen, Savedi,
Tq. Nagar, Dist. Ahmednagar

... Respondents
(Ori. Claimants)

....

Mr. S. N. Morampalle, AGP for appellants
Mr. V. R. Dhorde, Advocate for respondents

....

CORAM : R. G. AVACHAT, J.

DATED : 29th OCTOBER, 2021

PER COURT :-

1. Heard.
2. Leave to amend in First Appeal No.3815 of 2017.
3. The parties are at *ad-idem* to have order similar to one passed on 15.10.2018 in First Appeal No. 625 of 2017. Hence, following order:-

ORDER

- (i) The Judgment and Award dated 20.06.2015 passed by the 4th Civil Judge, Senior Division, Ahmednagar, in Land Acquisition Reference No.95 of 2011 is set aside and matter is remanded to the Court of 4th Joint Civil Judge,

Senior Division, Ahmednagar, for re-trial after giving sufficient opportunity to both the parties to place on record additional documentary or oral evidence in support of their contentions.

- (ii) The Reference Court shall award sufficient opportunity to both the parties to cross-examine the witnesses of rival parties.
- (iii) The Reference Court shall decide Land Acquisition Reference No.95 of 2011 within six (6) months from the date of receipt of the record and proceedings.
- (iv) Office to send back the record and proceedings of Land Acquisition Reference No.95 of 2011 to the Reference Court concerned within 15 days from the date of passing of this order.
- (v) Both the parties are directed to appear before the Reference Court on 07th February, 2022.
- (vi) Parties to bear their respective costs of the appeals.
- (vii) Both the First Appeals are disposed of in above terms.
- (viii) Pending civil applications also stand disposed of.

[R. G. AVACHAT, J.]