

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

WRIT PETITION NO.4661 OF 2022

**VITHAL DATTARAO CHATE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. Ramchandra J. Nirmal
AGP for Respondents – State : Mr. S. N. Kendre
Advocate for Respondent No.3 : Mr. S. B. Patil
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 07th OCTOBER, 2022

PER COURT :

1. Petitioners are aggrieved by order dated 12/02/2021, passed by learned Civil Judge, Senior Division, Gangakhed below Exhibit-22 in L.A.R. No.20/2014, thereby partly allowing their amendment application.
2. Amendment sought by petitioners for inclusion of fruit bearing trees in land acquisition reference on the basis of joint measurement report, is rejected by reference Court only on the ground that in Award trees are not mentioned.
3. Upon hearing learned advocates for respective parties and after perusing the record, it is clear that in joint measurement report, fruit bearing trees are shown in acquired portion of petitioners. Petitioners are, therefore, entitled to claim

compensation for fruit bearing trees. Amendment sought by petitioners, therefore, deserves to be allowed. Reference Court has committed an error in rejecting application for amendment filed by petitioners.

4. In the result, writ petition is allowed. The impugned order dated 12/02/2021 is modified. Application Exhibit-22 in L.A.R. No.20/2014, filed by petitioners is hereby allowed.

5. It is made clear that this Court has not expressed any opinion on entitlement of petitioners for compensation of fruit bearing trees. Reference Court shall decide the reference on merits, in accordance with law.

(NITIN B. SURYAWANSHI, J.)