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

WRIT PETITION NO.2326 OF 2022

Prabhavati Arjun Kumbhar & Ors. ... Petitioners

V/s.

State of Maharashtra & Ors. ... Respondents

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Mr. Ashok B. Tajane, for petitioners.

Mr. Ajit V Alange, for respondent Nos.2 & 3.

Mr. Sanjay D. Rayrikar, AGP, for the State-respondent
No.1.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 3, 2023

P.C.:

1. By the impugned order dated 21 August 2019, the Civil Judge, Senior Division, Solapur in exercise of power under Section 3H (4) of the National Highways Act, 1956 refused to answer the issues framed in paragraph 7 of the judgment.

2. Considering the nature of jurisdiction to be exercised by the Court while exercising of power under Section 3H (4) of the National Highways Act, 1956, it is obligated for Principal Civil Court of original jurisdiction to decide issues framed in paragraph 7 of the impugned judgment.

3. Since parties have led their evidence, it is necessary for the Court to hear the parties afresh and decide reference in accordance

with law as per Section 3H (4) of the National Highways Act, 1956. Hence, following order:

- a) The impugned order dated 21 August 2019 passed by the Civil Judge, Senior Division, Solapur in LAR No.26 of 2015 is quashed and set aside.
 - b) LAR No.26 of 2015 is restored to the file of Civil Judge, Senior Division, Solapur.
 - c) Based on the evidence laid by the parties, the Trial Court shall hear the parties and pass appropriate order in terms of Section 3H (4) of the National Highways Act, 1956.
4. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)