



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO. 4775 OF 2024

Manik Rambhau Mitkari And Another

VERSUS

The State Of Maharashtra Through Collector And Others

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Advocate for the Petitioner : Mr. Rakhunde Pravin B.

AGP for Respondent/State : Mr. S.B. Jadhav

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CORAM : ARUN R. PEDNEKER, J.

Dated : May 08, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. By way of the present writ petition, the petitioners are challenging the order dated 8.1.2024 passed by the learned Civil Judge, Senior Division, Kallamb in L.A.R. No. 89/2022, which is dismissed on the ground of non leading of evidence.
3. The learned counsel for the petitioners submits that the reference court has dismissed the reference on account of non leading evidence. He submits that the reference court has to decide the reference on merits and not on the basis of evidence, which was available before the Special Land Acquisition Officer. He submits that opportunity may be granted to the petitioners to lead the evidence before the reference court.
4. Considering the submissions made above, the order passed by the reference court is quashed and set aside and the matter is remitted back to the reference court for deciding it afresh on merits. The petitioners are directed to appear before the reference court on 26.6.2024 so as to enable the reference court to take further course of action. The reference court is

directed to decide the reference expeditiously, as early as possible and in any event within one year from the date of receipt of this order. In the event, the petitioners fail to lead the evidence in spite of granting opportunity, the trial court is at liberty to pass appropriate orders.

5. With these observations, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

ssc/