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913wp1962.24

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

913 WRIT PETITION NO. 1962 OF 2024

Kalabai Babanrao Kumbhar, **...PETITIONER**
Age-62 years, Occu-Agri and Household,
R/o. Warsade (Pra.bo), Tq. Pachora,
Dist. Jalgaon

VERSUS

1. Special Land Acquisition Officer-3 **...RESPONDENTS**
Uppart Tapi Projectg, Hatnoor Class
2. Executive Engineer,
Bahula Medium Project, Jalgaon

Mr. I. K. Wagh, Advocate h/f Mr. K. M. More, Advocate for
petitioner
Mrs. P R. Bharaswadkar, AGP for respondents/State

CORAM : ARUN R. PEDNEKER, J.

DATE : 21st FEBRUARY, 2024

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1. Heard learned counsel for petitioner.
2. Petitioner takes an exception to the order passed by
the reference court dated 03-05-2016 thereby dismissed LAR
No. 686/2016 on the count of non leading of evidence before

the reference court by the claimant. Learned advocate for petitioner while challenging the award passed by the reference court has placed reliance on the judgment dated 09-01-2024 passed by this court in writ petition No. 210/2024 thereby this court in identical fact situation has set aside the order passed by the learned reference court and permitted petitioner to lead evidence.

3. Learned AGP did not dispute the fact that reference court has decided the matter without evidence of the claimants and judgment of this court in writ petition No. 210/2024 dated 09-01-2024 being applicable to the facts of the present case. However, learned AGP submits that reference court has decided the reference on 03-05-2016 and that there is huge delay in approaching this court.

4. In view of the submission canvassed by the learned AGP, learned advocate for the petitioner submits that petitioner would not claim interest, statutory benefit for delayed period

from the date of award of the reference court i.e. 03-05-2016 till date.

5. In view of the submission of the learned advocate for the petitioner the order dated 03-05-2016 passed by the reference court is set aside and the matter is remitted back to the reference court for deciding the reference on merits. The petitioner is permitted to lead the evidence before the learned reference court.

6. Learned advocate for the petitioner submits that he would appear before the learned reference court on 13-03-2024 and he would also tenders his evidence before the learned reference court on the date given by the reference court.

7. Learned reference court to decide the reference expeditiously.

8. It is made clear that in the event the reference is

answered in favour of the petitioner, the petitioner would not be entitled for interest or statutory benefits for delayed period from the date of impugned order i.e. 03-05-2016 till the date of filing of the present writ petition.

9. With above observations, writ petition is disposed off.

[ARUN R. PEDNEKER, J.]

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