



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

CIVIL APPLICATION NO. 508 OF 2024
IN FA/1946/2022

VASANT MADHAVRAO KULKARNI
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, AURANGABAD
AND OTHERS

...
Advocate for Applicant : Mr. Amol Gandhi holding for
Mr. Punit S. Mehta
AGP for Respondents : Mr. B. B. Bhise
...

CORAM : S. G. MEHARE, J.

DATE : 08-03-2024

PER COURT :-

1. Learned counsel for the appellant and the learned A.G.P. for the respondents.
2. The reference of the appellant/claimant has been dismissed for want of evidence.
3. Learned counsel for the appellant submits that after the award passed, he learnt that the award arising out of the same acquisition proceedings was passed before the impugned judgment and award. However, he did not know about the passing of the said award. The said award covers the claim of the appellant. In view of the pronouncement of this Court, in the case of **Bayaji Tatya Kaluge vs. State of Maharashtra, 2007(2) All**

MR 316, the learned Reference Court may consider the earlier award passed, if any, in the similar acquisition proceedings. He produced the judgment and award of learned 3rd Joint Civil Judge, Senior Division, Aurangabad, in Land Acquisition Reference No.350 of 2007 (Shari @ Sharikha Begum Moh. Yusufkhan vs. Special Land Acquisition Officer, Aurangabad and another), dated 06.12.2019. In this award, the compensation was enhanced. It appears that the appellant could not get documents at the relevant time. He did not know about passing the award earlier. It is a matter of compensation for land acquisition. Every landowner should get just and proper compensation. This is the first appeal, which is a continuation of the suit. The applicant complied with the requisite condition under Order XLI, Rule 27 of the Code of Civil Procedure. Hence, the application deserves to be allowed.

4. The application is allowed in terms of prayer clause (B), and the application is disposed of accordingly.

**(S. G. MEHARE)
JUDGE**

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