

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5972 OF 2023

Himmatkhan Rustumkhan Pathan Died Through His Lrs Khamrunisa
Himmatkhan Pathan And Others

VERSUS

The State Of Maharashtra Through The Collector And Others

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Advocate for the Petitioners : Mr. Patil Mukund Shankarrao

AGP for Respondent/State : Mr. V.S. Badakh

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 10, 2025

PER COURT :

1. Heard.
2. Issue notice to the respondents. Learned AGP waives notice for the respondent/State.
3. With the consent of parties, the matter is taken up for final disposal at admission stage.
4. Present petition is arising out of the order dated 05.10.2021 passed by the 2nd Joint Civil Judge, Senior Division, Osmanabad in L.A.R. No.749 of 2013, whereby the reference filed by the petitioners for enhanced compensation came to be rejected.
5. I have gone through the order passed by the learned Trial Court. After going through the order, it transpires that the reference was not decided on merit as despite of granting sufficient opportunities, the petitioners failed to adduce evidence in support of

their claim for enhanced compensation. Therefore, matter proceeded without their evidence. On the other hand, the respondents too failed to file any documentary evidence on record.

6. As the issue pertains to the land acquisition of the agriculturists, in view of the fact that the reference was not decided on merit, I am inclined to allow the present petition by setting aside the order passed by learned Trial Court and restoring the reference.

7. In view thereof, the petition is allowed. The order dated 05.10.2021 passed by the 2nd Joint Civil Judge, Senior Division, Osmanabad in L.A.R. No.749 of 2013 is quashed and aside. The reference is restored to its original file.

8. The petitioners to appear before the Trial Court on 24.12.2025. The petitioners are at liberty to adduce evidence before the Trial Court.

9. It is made clear that the reference was decided on 05.10.2021 and therefore, from 05.10.2021 till this date, petitioners shall not be entitled to claim interest on the awarded amount, if the reference is allowed in favour of the petitioners.

(SIDDHESHWAR S. THOMBRE, J.)