



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

64 WRIT PETITION NO. 9473 OF 2025

HEERABAI ALIAS HARIBAI PANDURANG NAWALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr. Savant Vilas P.
AGP for Respondent/State : Mr. S.G. Joshi
...

CORAM : ARUN R. PEDNEKER, J.
Dated : December 15, 2025

PER COURT :-

1. Heard the learned counsel for the parties.
2. By way of present writ petition, the petitioner/original claimant is challenging the impugned judgment and order dated 3.4.2025 passed by the learned Civil Judge, Senior Division, Latur, District Latur in L.A.R. No. 282/2019, which came to be dismissed by the Reference Court.
3. The Reference Court in para 6 has observed that the claimant in support of her claim has not lead any oral or documentary evidence and and in view of the same, the Reference Court has dismissed the reference.
4. The learned counsel for the petitioner/claimant relied upon the judgment and order dated 9.1.2024 passed by this Court in Writ Petition No. 210/2024 (Sanjay s/o. Ashok Mitkari Vs. The State of Maharashtra & Ors.), in which this Court relying upon the judgment and order dated 17/01/2020 in Writ Petition No.12795 of 2019 (Walmik s/o. Trimbak Tupe Vs. The State of Maharashtra and Anr.)and other connected matters, has held that the Reference Court should decide the reference on merits and not dismiss the same for want of evidence.

5. In view of the same, the impugned judgment and order dated 3.4.2025 passed by the learned Civil Judge, Senior Division, Latur, District Latur in L.A.R. No. 282/2019 is set aside and the matter is remanded back to the Reference Court for deciding it afresh. The petitioner is granted liberty to lead evidence before the Reference Court.

6. The Reference Court on restoration of the reference by taking into consideration the entire evidence led by the parties shall decide the same as expeditiously as possible, preferably within 12 months from the date of production of this order.

7. The learned counsel for the petitioners submits that petitioners would appear before the Reference Court on 23.12.2025. The petitioner/claimant undertake that she would cooperate the Reference Court in deciding the reference.

8. The writ petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/