



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

WRIT PETITION NO. 15018 OF 2023

Mahadeo Deorao Dongre and another .. Petitioners

Versus

The State Of Maharashtra
Through Collector, Osmanabad and another .. Respondents

Mr. A. S. More, Advocate for the Petitioners.
Mr. P. D. Patil, AGP for Respondents/State.

**WITH
CIVIL APPLICATION NO. 10858 PF 2017
IN
WRIT PETITION (STAMP) NO. 26771 OF 2017**

Mahadeo Deorao Dongre and another .. Applicants

Versus

The State Of Maharashtra
Through Collector, Osmanabad and another .. Respondents

Mr. A. S. More, Advocate for the Applicants.
Mr. P. D. Patil, AGP for Respondents/State.

CORAM : KISHORE C. SANT, J.

DATED : 08th JANUARY, 2025.

P. C. :-

. Heard the parties.

2. This writ petition is against the judgment and order passed by the learned Reference Court in L.A.R. No. 298/2002 i.e. 3rd Joint Civil

Judge Senior Division, Osmanabad. The judgment and order is dated 05.10.2012. The learned Reference Court by way of said judgment has rejected the reference of the petitioners as the petitioners failed to adduce evidence before the said Court. While deciding the reference certain observations are made even on merits.

3. The learned advocate for the petitioners submits that, in fact, the reference is rejected for non prosecution. The petitioners could not lay any evidence for the reasons stated in the writ petition. He relies upon the order passed by this Court in Writ Petition No. 10237/2022 dated 11.10.2022. This Court in similar facts and circumstances had quashed and set aside the order passed by the learned Reference Court and restored the reference for decision afresh.

4. The learned A.G.P vehemently opposes the petition. He submits that, in fact, the matter was decided on merits. The Court had granted ample opportunities to lead the evidence. In spite of various chances evidence was not laid before the Court. From the judgment it appears that the Court has considered the merits as well while passing the impugned judgment and order. He thus prays for dismissal of the writ petition.

5. After hearing the parties this Court finds that, the petitioners are

the persons whose land is acquired by the Government. The said land was main source of income of the petitioners. It would be in the interest of justice to grant them one opportunity to lead evidence before the learned Reference Court.

6. In view of the same, the impugned judgment and order dated 05.10.2012 passed in L.A.R. No. 298/2002 by learned 3rd Joint Civil Judge Senior Division, Osmanabad is quashed and set aside. The L.A.R. No. 298/2002 stands restored to its original position. The petitioners to co-operate in speedy disposal of the L.A.R. without seeking any adjournment. Needless to say that, the petitioners shall not be entitled to receive any interest from the date of impugned order till today.

7. With this, the writ petition is disposed of.

8. In view of disposal of the writ petition, pending civil application also stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.