



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 814 OF 2019

Gangadhar Laxman Motewad

VERSUS

The State Of Maharashtra And Others

• Mr. H. I. Pathan, Advocate for the Petitioner

CORAM : R. M. JOSHI, J

DATE : OCTOBER 01, 2025

PER COURT :

1. None for the State. Absence of the learned AGP indicates that the State has no inclination to oppose Petition.

2. Learned Counsel for the Petitioner submits that it was open for the Reference Court to permit the correction of the pleadings which were inadvertently taken in exercise of powers under Section 151 of Code of Civil Procedure. It is his submission that in the similarly placed reference i.e., LAR No. 391/2010, such amendment came to be allowed.

3. Perusal of the record indicates that an application was filed before the Reference Court seeking correction of the averments with regard to the

crop i.e. sugarcane being cultivated on the acquired land. Learned Reference Court refused to allow the said amendment on the ground that this does not amount to a subsequent development in the acquired property.

4. Perusal of the application indicates that the nature of the reference has not been changed. The merit of the amendment ought not to have been gone into at the time of allowing the same. It is always open for the Respondent to resist the claim of the claimant of sugarcane being cultivated in the land in question. Hence, Reference Court ought to have allowed the said application. Refusal of the application has resulted into miscarriage of justice. Hence, Petition stands allowed. Impugned order is set aside. Application Exh. 19 filed in LAR No. 149/2010 stands allowed.

(R. M. JOSHI, J.)