IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 FIRST APPEAL NO. 1786 OF 2021

PANDURANG HANMANT KHARDEKAR (PARTAPURE)
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
Mr. K. V. Patil, Advocate for Appellant
Mr. S. P. Sonpawale, AGP for Respondent Nos.1 and 2 – State
Mr. R. R. Imale, Advocate for Respondent No.3
...

CORAM : AJIT B. KADETHANKAR, J.
DATED : 8th October 2026

P.C. :-

. Feeling aggrieved by the impugned judgment and award dated 14.09.2015 passed by the learned Civil Judge, Senior Division, Nilanga in Land Acquisition Reference No.53 of 2013, the claimant has filed the First Appeal.

2. The substance of the arguments of Mr. K. V. Patil, learned Advocate for the appellant/claimant is that despite their having been ample evidence on record to show that the land was irrigated land or at least seasonal irrigated land, the Reference Court granted compensation holding the quality of land as dry land. He would submit that thus the appellant/claimant is held entitled for compensation for the

land at Rs.13,250/- per R being a dry land. He would submit that the limited prayer in the appeal is to remand the matter back to the Reference Court to allow the appellant/claimant to adduce evidence. To that effect, he would submit that in other land acquisition references wherein the appeals filed by the claimants therein were considered, the matter was requested to be remanded back to enable the claimants to adduce evidence to show the quality of land.

3. Mr. K. V. Patil, learned Advocate refers to an order dated 31.08.2026 passed in First Appeal No.1774 of 2021. It appears that notice of this appeal was served on the respondent side, however, nobody caused appearance for respondent No.3. In this appeal, Mr. R. R. Imale, learned Advocate appearing for the respondent No.3 – acquiring body.

4. Since a restricted prayer for remand of the matter is advanced by learned Advocate for the appellant/claimant, I deem it appropriate to remit the matter to the Reference Court to allow the appellant/claimant to adduce evidence to demonstrate the quality of the land as irrigated land/semi-irrigated land. Needless to mention, the other side shall be at liberty to cross-examine the appellant/claimant.

5. The appellant/claimant shall appear before the Reference Court on 19.10.2026 alongwith a copy of this order and shall lead his evidence while appearing itself. The Reference Court is requested to conclude the trial within three months from the date of appearance of the appellant/claimant.

6. It is clarified that in the event of any escalation, the appellant/claimant shall not be entitled for the interest from the date of passing of the impugned judgment and award i.e. 14.09.2015 till 19.10.2026.

7. Both the parties agree that no separate notice for appearance before the Reference Court is necessary and they shall cause their appearance through their respective learned Advocates.

8. With this, the First Appeal stands disposed of.

(AJIT B. KADETHANKAR, J.)

PRW