IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 CIVIL APPLICATION NO. 7015 OF 2026
IN FAST/152/2024

RAMKISAN BAJIRAO MADAN AND ANR.
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE DISTRICT COLLECTOR, JALNA AND ORS.

WITH
CIVIL APPLICATION NO. 1675 OF 2024
IN FAST/152/2024

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Advocate for Applicants : Mr. Humbe Vilas M.
AGP for Respondent/s-State: Ms. P. V. Diggikar.
Advocate for Respondent No.2/Acquiring Body : Mr. N. V. Yadav.
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CORAM : MANJUSHA A. DESHPANDE, J.
DATE : 22.10.2026

PER COURT :-

1. The Civil Application has been filed by the claimants for condoning the delay of 2198 days so occurred in filing the First Appeal. The reasons for delay have been satisfactorily explained in Civil Application. It is also submitted that, the applicants are ready to forgo the interest and statutory benefits for the delayed period.

2. I heard the respective parties.

3. In view of the satisfactory explanation given in the Civil Application, Civil Application for delay is allowed in terms of prayer clause “A”.

4. In view of condonation of delay, the First Appeal is taken up for admission along with Civil Application for production of additional evidence.

5. The appellants aggrieved by the judgment and award passed in LAR No.196 of 2014, decided by order dated 16.09.2017.

6. According to the appellants, they have received a meager compensation from the SLAO. Therefore, he has filed Reference under Section 18 of the Land Acquisition Act before the Civil Judge Senior Division, Jalna. It is submitted that, notification under Section 4 was published on 25.04.2006. The land of the appellants was acquired for “Rajewadi Storage Tank Project, Keligavhan, Taluka, Badnapur, District Jalna”. The land of the appellant is situated in Gut No.211, admeasuring 3H. and 61 R. There were 100 mango trees, 10 jujube trees and a well that were existing before taking possession of the land by private negotiations. The aforementioned factual position is reflected in the joint measurement report prepared by the SLAO dated 17.08.2006. Along with joint measurement report even the

report of private expert valuer was also placed on record. Irrespective of the aforementioned evidence, the SLAO has not taken into account the existence of fruit bearing trees, while passing the award by adding the valuation of fruit bearing trees.

7. The appellants being aggrieved by the award passed by the SLAO have filed the reference. It is submitted that, though they had filed reference during pendency of the reference before the 3rd Jt. Civil Judge Senior Division, Jalna, the evidence in the form of joint measurement report and the valuation report of the expert valuer could not be produced in the proceedings. Therefore, the appellants have filed Civil Application in the present appeal for production of additional evidence. According to the appellants, the evidence of joint measurement report and valuation report of the fruit bearing trees is a valuable and relevant evidence for determination of compensation of the fruit bearing trees which inadvertently could not be produced before the Reference Court. In view thereof, a prayer is made by the appellants for remand of the present appeal for re-determination of the compensation on the basis of the additional evidence is made.

8. Reliance is placed on the order passed by this Court in similar group of appeals in First Appeal No.2321 of 2022 along with other connected matters, decided by this Court vide order dated 19.08.2026, where this Court has remanded the matters back to the Reference Court with the directions to decide the claims afresh in the light of the evidence that the parties intend to produce keeping all the points open. The appellants are claiming parity with the claimants in the aforementioned group of first appeals.

9. The learned advocate appearing for the acquiring body does not dispute the aforementioned position. He submits that, he would not oppose the remand but subject to condition that, the claimants shall not claim any interest and statutory benefits for the delayed period. Since the parity is claimed by the appellants, I do not see any reason to take a different view in the present matter.

10. The First Appeal is partly allowed.

11. The impugned judgment and award passed by the Reference Court is quashed and set aside and the matter is relegated to the Reference Court to decide afresh on its own merits.

12. All the points are kept open.

13. The Reference Court shall take into consideration objection raised by the acquiring body as permissible in law and examine the genuineness of the claim on its own merits.

14. The claimants shall not claim any interest and statutory benefits from the date of the judgment and award passed by the Reference Court till the may 2026.

15. The parties shall appear before the Reference Court on 31.10.2026. No separate notice is required for the parties.

16. The Reference Court shall decide the matter, as expeditiously as possible.

17. Civil Application for production of additional documents as well as First Appeal accordingly disposed of.

18. The Reference Court shall decide the matter on its own merits based on the pleadings and evidence adduced by the respective parties.

(MANJUSHA A. DESHPANDE, J.)

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