IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2535 OF 2021

Bhagubai Ratan Jadhav ..Appellant
VERSUS
The State Of Maharashtra
And Ors ..Respondents

.....
Advocate for Appellant : Mr. Shirsat Suhas R.
AGP for Respondent no1. And 2 : Mr. Ingole R.K
.....

CORAM : AJIT B. KADETHANKAR, J.
DATE : OCTOBER 29, 2026

ORDER :-

Feeling aggrieved by the judgment and order dated 01.08.2014 passed by learned Joint Civil Judge Senior Division, Jalna the claimant is before this court in appeal.

2. The appellant's land was acquired for Jamkhed Storage Tank. A notification under Section 4 was published on by the S.L.A.O. and after completing the formalities the award was declared on 26.11.2005. The S.L.A.O. offered compensation at Rs.505 per R. Feeling aggrieved thereby the appellant filed L.A.R. No.2234 of 2010 before the Reference Court seeking enhancement. It appears that during the trial proceedings none of the parties appeared before the Reference Court to lead any evidence. Hence, the Reference Court

dismissed the reference application after considering the documents on record. While doing so, the reference court referred the judgment and order passed by the hon'ble supreme court in the case of **Periyar and Pareekanni Rubbers Ltd. Vs. State of Kerala, AIR 1990 SC 2192**.

3. Mr.S.R.Shirsat, learned advocate for the appellant submits that due to miscommunication between the claimant and his advocate, the claimant could not attend the Court to lead any evidence despite having satisfactory material with him to show higher entitlement. He would submit that the appellant/claimant may be given at least one opportunity to lead evidence and to that extent the matter be remitted back.

4. Learned AGP submits that the appellant/claimant may not be benefitted for his own wrong. However, he fairly submits that even the respndent's side also could not adduce any evidence. In view of this and considering that the compensation scheme under the Land Acquisiton Act, is a part and parcel of the benefitial legislation, to balance the equities and to give full opportunity of hearing, I deem it appropriate to relegate the matter back to the trial court.

5. However, since 03.07.2014 the trial court has forefeited the right of the claimant on account of consistent failure to adduce the evidence. This appeal was also filed by quite delay. In view of this and to have a check that the claimant must not be benefitted of undue enrichment and also to balance the equirites it would be appropriate that the claimant shall not be entitled for any type of statutory benefit and interest from 03.07.2014 till the date of appearance before the Reference Court after remittal of the matter. Mr.Shirsath, learned advocate instructed by his client (appellant) fairly agrees with this. In fact, while arguing the matter Mr.Shirsath submitted that claimant shall not claim any statutory benefit or intererst for the said period.

6. Hence, the following order:-

A) The judgment and award dated 01.08.2014 is quashed and set aside.

B) The parties are relegated back to the Reference Court for adducing evidence. The matter stands remitted back to the Reference Court with a request to learned Judge of the Reference Court to allow the parties to lead evidence and argue the matter on its own merit. Thereafter the Reference Court shall pass appropriate order on its own merit.

C) Both the parties are at consensus to appear before the Reference Court on 30.11.2026.

D) The appellant/claimant shall on the date of appearance, file his examination-in-chief together with the list of documents.

E) The Reference Court is requested to conclude the trial within six months thereafter.

F) The Record and Proceedings, if called, be sent back immediately.

G) First Appeal stands disposed of accordingly..

[AJIT B. KADETHANKAR, J.]

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KBP