



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 588 OF 2025

VIJAYSINGH NATHESINGH GIRASE
VERSUS
THE COLLECTOR, DHULE AND ORS

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Advocate for Appellant : Mr. More Kumar Gaurav M.
AGP for Respondent/s-State : Mr. S. V. Hange.
Advocate for Respondent No.3 : Mr. Deepak B. Rasve h/f Mr. A.
D. Pawar.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 05.02.2026

FINAL ORDER :-

1. Heard both sides finally at the admission stage with consent of the parties.
2. Present appeal has been preferred against the judgment and award dated 03.01.2019 passed in L.A.R. No.122 of 2024.
3. Appellant's land and house properties are acquired from Wadi-Shewadi Medium Submersion Project. The notification under Section 4 was issued on 20.05.2010. Award was passed on 26.12.2012. Appellant claimed compensation of Rs.27,000/- per Sq.Mtr. for the constructed area, Rs.700/- per Sq.Mtr. for open land and Rs.200/- per Sq.Mtr. for electric fittings etc. By impugned judgment, reference was dismissed.

4. Learned counsel Mr. More appearing for the appellant submits that no opportunity was given to the appellant to lead evidence or to argue the matter. It is submitted that matter needs to be remanded to the Reference Court. It is further submitted that his client is ready to give up interest for the interregnum period.

5. Per contra, learned counsel Mr. Rasve holding for Mr. Pawar opposes the submissions. He would submit that despite sufficient opportunity evidence was not adduced before the Reference Court. There are lapses on the part of the appellants. No case is made out to remand the matter.

6. The appellant did not lead any evidence before the Reference Court. The Reference was pending from 14.08.2014 to 03.01.2019. It was transferred to the Court at Civil Judge Senior Division, Dhule. The transfer notices were served upon the appellant. He did not appear promptly. Thereafter, adjournment applications Exh.16, 17, 18 were submitted by him. Thereafter, order was passed on 26.10.2018 by the Reference Court. The matter was listed for argument. No argument was even advanced. Impugned judgment shows the manner in which the appellant proceeded with the Reference.

7. The lapses on the part of the appellant is evident. No reason is forthcoming as to what prevented him from participating in the proceedings. It is not case that the Reference Court hastily decided the matter. No application under Order 41 Rule 27 was filed in the present appeal to indicate that appellant is armed with the additional evidence which he wanted to produce before the Reference Court. No case is made out for remanding the matter.

8. Another aspect of the matter is that there was delay in preferring reference before this Court. Appeal with application was dismissed in default. It was restored by order dated 24.02.2023 by imposing cost. Thereafter, delay was condoned vide order dated 23.08.2024. Impugned order was passed on 03.01.2019. Remanding the matter to the Reference Court after six (6) years would cause prejudice to the respondents.

9. Learned counsel for the appellant has relied upon the judgment of Supreme Court in case of ***Khazan Singh Vs. Union of India ; AIR 2002 SC 726***. The facts are distinguishable. The claimant was dead and his heirs had filed application before the Reference Court seeking restoration of the reference which was dismissed in default. That application was rejected by the Reference Court. High Court also confirmed the said order. In

this peculiar facts, Apex Court remanded the matter and relegated the parties before the Reference Court.

10. Further he placed reliance on ***Shivaji Pandurang Bansode Vs. The State of Maharashtra and others ; 2019 (1) ALL MR 813*** the Reference Court failed to consider the material on record and mechanically dismissed the reference in the absence of claimant. Similar is the case in matter of ***Arjun Shankar Waghmare and another Vs. State of Maharashtra ; 2010 (6) ALL MR 47***. Those judgments are distinguishable on facts and would not enure to the benefit of the appellant.

11. The Reference Court has considered the award and found that the rate offered by S.L.A.O. is correct. Reasons are assigned in paragraph Nos.11 and 12 of the impugned judgment. I do not find that there is any perversity or illegality in the impugned judgment. I, therefore, pass following order :

ORDER

First appeal is dismissed.

(SHAILESH P. BRAHME, J.)

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vmk/-