



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 FIRST APPEAL NO. 3272 OF 2025

SUSHILABAI MANIK JADHAV

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR BEED
AND ANR

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Advocate for Appellant : Mr. Shirsat Suhas R.

AGP for Respondent No. 1 : Mr. S.N. Morampalle

Advocate for Respondent No. 2 : Mr. V.C. Swami h/f Mr. M.C.Swami

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CORAM : SHAILESH P. BRAHME, J.

DATE : 09.03.2026

PER COURT :

Taken up for final disposal with the consent of the parties.

2. The appellant has challenged judgment and award passed by the Reference Court on 05.01.2023 in L.A.R. No. 655/2017. Learned counsel for the applicant Mr. Shirsat has fairly conceded that the copy of award and 'E' statement of the award could not be placed before the Reference Court and great prejudice is caused to the appellant. He seeks remand of the matter so as to facilitate him to produce on record relevant material. At the same time, on instruction of his client he is ready to give up interest for the interregnum period.

3. Learned counsel for the Acquiring Body and A.G.P. have no serious objection if the appellant is giving up the interest for the period consumed and points out that the lapses can be attributable to the appellant.

4. I have gone through impugned judgment. Undisputedly, award dated 18.12.2000 passed under Section 11 of the L.A. Act and 'E' statement thereof were not before the Reference Court. Those could have been filed

before the Reference Court by either of the parties. It cannot be overlooked that prejudice is caused to the appellant. It further transpires that no evidence was led by the appellant before the Reference Court.

5. As the appellant is ready to give up interest from the date of filing of the present appeal i.e. 01.07.2023 till the disposal of the Reference after the remand, I find that it is necessary to extend opportunity to the appellant, who has lost his land. For the reasons stated above, I pass following order.

ORDER

(I) First Appeal is partly allowed.

(II) Impugned judgment and award to the extent of appellant in L.A.R. No. 655/2017 is quashed and set aside and matter is relegated to the jurisdictional Reference Court for deciding it afresh on its own merits.

(III) The parties shall cause appearance before the Reference Court on 07.04.2026 and the Reference Court shall decide the matter expeditiously and preferably within a period of eight months thereafter.

(IV) Parties shall be at liberty to produce on record the relevant material in support of their claim and the submissions.

(V) Award be drawn accordingly.

(VI) Record and Proceeding be sent back to the Reference Court.

(VII) The appellant shall not be entitled to interest and statutory benefits from 01.07.2023 till final disposal of the reference.

(SHAILESH P. BRAHME, J.)

mkd/-