



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5068 OF 2025

Vinod s/o Annaji Komdarkar

Vs.

State of Maharashtra, Thru. The Collector, Wardha and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. C.R. Najbile, Advocate for petitioner.
Mr. S.C. Joshi, AGP for respondent Nos.1 & 2/State.
Mr. J.B. Kasat, Advocate for respondent No.3.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 11.03.2026

Heard learned counsel for the petitioner as well as the respondents.

2. By this petition, the petitioner challenges order dated 20.02.2012 passed by the reference Court in LAC No.358/2005, by which the reference application is dismissed for failure of the petitioner to lead evidence and contest the reference case on merits.

3. Learned counsel for the petitioner submits that this Court has earlier decided identical cases and relies on the judgment in the Writ Petition No.819/2024, which is followed by this Court while deciding Writ Petition No.2295/2024 on 18.07.2025.

4. He therefore submits that similar directions be issued so that the petitioner could be in a position to lead evidence to substantiate his case for enhancement of compensation.

5. Learned counsel for the respondent Nos.1 to 3 also fairly concedes to the fact that in identical fact situations, this Court has passed orders referred above.

6. It appears that the controversy involved in this petition is covered by the judgments referred above. In view of this, there is no reason to take a different view in the instant matter. It has to be noted that in the above referred matters, the claimants have expressly shown readiness to waive their claim for interest for the period from the date of framing of issues till restoration of the reference Case. In the instant matter, the petitioner has also expressed similar readiness to waive his claim for interest. In view of this, the following order is passed :

ORDER

(i) The order dated 20.02.2012 passed by the learned 4th Joint Civil Judge Senior Division, Wardha, in LAC No.358/2005 is quashed and set aside.

(ii) The LAC No.358/2005 stands restored to its original file.

(iii) Parties are directed to appear before the reference Court on 01.04.2026.

(iv) The reference Court is directed to decide the reference expeditiously and preferably within a period of six months from the date of appearance of the parties.

(v) It is made clear that in case the petitioner succeeds in getting enhanced amount of compensation, he would not be entitled to get any interest on such amount from the date of framing of issues till the date of appearance on the parties i.e. till 01.04.2026.

7. The writ petition is accordingly disposed of in the above terms. No order as to costs.

(Prafulla S. Khubalkar, J.)