


MHJN020014882014 	Presented on : 11-03-2013 Registered on : 11-03-2013 Decided on : 31-03-2026 Duration : 13 years, 00 months, 20 days
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IN THE COURT OF 2nd JT. CIVIL JUDGE SENIOR DIVISION,
JALNA, DIST. JALNA
(Presided over by Priti D. Taru)

L.A.R. No.167/2013
CR/No.31/2003

Exhibit No. : 24

Thagnabai Govinda Jadhav dead
Through Legal Heirs
Sundarabai Shenfad Gadekar,
Age – 65 Yrs., Occup. - Household,
R/o. Pimpalgaon Shermulki,
Tq. Bhokardan, Dist. Jalna.

...Claimant.

VERSUS

- 1] State of Maharashtra
Through Collector, Jalna.
- 2] The Special Land Acquisition Officer
(Goathan), Jalna.
- 3] Executive Engineer, Minor Irrigation
Department Near to Motibag, Jalna.

...Respondents.

.....
For Claimant :- Mr. V. V. Ghule Patil, the Learned
Advocate
For Respondent Nos.1 and 2 :- Ex-parte.
For Respondent No.3 :- Mr. R. N. Deokar, the Learned
Advocate
.....

JUDGMENT

(Delivered on 31th day of March, 2026)

This reference is filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred as 'the L. A. Act').

Claimant case in brief is as under :

2. Original claimant was the owner of the land bearing Gat No.88 admeasuring 01 H 42, Gat No.89/4 admeasuring 00 H 61 R and Gat No.89 admeasuring 01 H 80 R situated at village Palaskheda, Tq. Bhokardan, Dist. Jalna (in short 'acquired land'). In view of acquisition, Award dated 21.03.2006 came to be passed in CR. No.31/2003. Original claimant received Notice dated 24.05.2006 under section 12(2) of the L. A. Act. Claimant accepted the compensation amount under protest. According to claimant, the acquired land was fertile land. Claimant reaped irrigated crops upon the acquired land. Respondents failed to consider these aspects and granted inadequate compensation amount. Hence, this Reference for enhance compensation.

3. Respondent Nos.1 and 2 though duly served but failed to appear. Hence, Reference proceeded Ex-parte against respondent Nos.1 and 2 by order dated 08.12.2015 vide Exh.01.

4. Respondent No.3 resisted the claim by filing Written Statement vide Exh.09. This respondent raised objection as to limitation. According to respondent No.2, it has followed the

provisions as per the Act. Respondent had considered sale deed and granted reasonable market price for the acquired land as per its potentiality and productivity. There was no error while passing Award. The Award so passed is legal, just and proper.

5. Claimant failed to adduced evidence.
6. Both parties and their learned advocates remained absent and failed to advance argument.
7. Issues are framed vide Exh.15. Those Issues are reproduced as under and I have recorded my findings against each of them for the reasons discussed below :-

Sr. No.	<u>ISSUES</u>	<u>FINDINGS</u>
1]	Whether reference petition is within limitation ?	No.
2]	Whether claimant proves that compensation so awarded is inadequate ?	No.
3]	Whether claimant is entitled to enhancement in compensation ? If yes, what rate ?	No.
4]	What order ?	Reference is dismissed.

REASONS

As to Issue No.1 :-

8. It appears that, Notice under section 12 (2) of the Act had been received by claimant on 24.05.2006. Reference appears to

be filed on 03.07.2006. Claimant failed to adduce evidence on affidavit. Neither evidence adduced nor the certified copy of the Notice is placed on record. There is nothing on record to show that, objection has been raised within 6 weeks from the date of knowledge, as per section 18 (2) of the Act. Thus, Reference (Exh.01) cannot be said to be within limitation. For this reason, I have answered Issue No.1 in negative and recorded my finding accordingly.

As To Issue Nos.2 and 3 :-

9. These Issues are co-related to each other because, the determination of compensation is involved. Thus, it is proper to discuss them under one head.

10. It reveals from the record that, matter was fixed for framing issues on 21.02.2017. Bailiff Report dated 31.01.2017 (Exh.10) shows that, original claimant Thaganabai Govind Jadhav reported to be dead. Death Certificate (Exh.13) is placed on record. It is in view of Order dated 01.07.2025 vide Exh.12, legal heir is brought on record. However, the perusal of record shows that, the legal heir came on record after 11 years 6 months 13 days. The said delay was already condoned. More than sufficient opportunity was granted to the claimant to proceed with the matter but, claimant failed to adduce evidence.

11. Thus, claimant right to adduce evidence was forfeited by

Order dated 15.12.2025 vide Exh.01. It reveals from the roznama that, the learned advocate for the claimant was present on various fixed dates. The learned advocate sought adjournment both, on oral request and Written Applications. The oral request for adjournment was considered time and again.

12. The court has taken the lenient view considering the nature of the litigation. But, the conduct of claimant and the record of the case shows that, claimant has taken the disadvantage of the opportunity so provided. It appears that claimant is reluctant in proceeding with the matter and caused undue delay. Reference is more than 10 years old. As such, no purpose would be served by the pending matter.

13. Burden of proof lies upon claimant to prove that, the compensation so awarded by respondents is improper and inadequate. Claimant ought to have proved market price of the acquired land on the date of Notification under Section 4(1) of the L.A. Act. No such evidence is brought on record. Thus, there is nothing on record to show that respondents awarded improper and inadequate compensation and claimant is entitled to enhance compensation. For all the aforementioned reasons, I have answered Issue Nos.2 and 3 in negative and recorded my finding accordingly.

As To Issue No.4 :-

14. In the result following order is passed :-

ORDER

Reference is dismissed.

Date:- 31/03/2026

(Smt. Priti D. Taru)
2nd Jt. Civil Judge (Sr. Dn.),
Jalna.

CERTIFICATE

I affirmed that the contents of this [P.D.F.](#) file judgment are same, word to word, as per the original judgment.

Name of the Stenographer : Amar R. Gadade, Stenographer (Grade-III)
Court : 2nd Jt. CJSD, Jalna, Dist. Jalna.
Date : 31/03/2026
Judgment signed by the
presiding officer on : 31/03/2026
Judgment uploaded on : 31/03/2026