



Presented on : 17/09/2019
Registered on : 17/09/2019
Decided on : 01/07/2026
Duration : Y. M. D.
06 09 14

IN THE COURT OF CIVIL JUDGE, [SR. DN.], WASHIM.
(Presided over by S. S. Sahasrabudhe)

Land Acquisition Reference No.83/2019
(CNR No : MHWS02001400-2019)

Exh.No.11.

Sub-Divisional Officer And
Land Acquisition Officer,
Nagpur - Mumbai Express Highway
(Samruddhi Mahamarg)

... **Applicant**

...V E R S U S...

- 1] Baburao Piraji Kedar,
Age about - Adult, Occu. : Nil,
- 2] Vitthal Piraji Kedar,
Age about - Adult, Occu. : Nil,
- 3] Sumanbai Piraji Kedar,
Age about - Adult, Occu. : Nil,
- 4] Bayanabai Prabhurao Sanap,
Age about - Adult, Occu. : Nil,
All R/o. Sukanda,
Tq. Malegaon & Dist. Washim.

... **Non-Applicants**

A.G.P. Shri. R. K. Ramteke for the Applicant.
Ex-parte against Non-applicant Nos.1 & 4.
Adv. S. S. Magar for non-applicant Nos.2 & 3.

J U D G M E N T

[Delivered on 01st day of July, 2026]

The Competent Authority has referred the present dispute as per Section 19(C)(4) of The Maharashtra Highways Act,

1955. As per the applicant land of non-applicants out of Gat No.184 at Mouje Sukanda, Tq. Malegaon, Dist. Washim. It is further submitted that 0.0700 R. land was acquired from the non-applicants. Prior to that objection were called from the non-applicants. However, non-applicants have not raised any objection. Therefore, declaration for acquisition was issued on 03/08/2018. Later on, as per Section 19(B)(2) the award was passed by L.A.O.. However, as there is dispute in between the non-applicants. Hence, the compensation amount can not be distributed. Hence, the present reference.

02] Notice was issued to all the non-applicants. But, inspite of receipt of notice all the non-applicants i.e. non-applicant Nos.1 and 4 remained absent. Hence, matter is proceeded ex-parte against them. Non-applicant Nos.2 and 3 appeared but they failed to file their reply.

03] Following points are arises for my determination. Same are reproduced below along with my findings thereon -

Sr. No.	POINT	FINDINGS
01]	Who is entitled for the deposited compensation of acquired land bearing Gat No.184 ?	All the non-applicant Nos.1 to 4 are equally entitled for deposited compensation.
02]	What order ?	As per final order

REASONS

AS TO POINT NOS.1 & 2:-

04] It appears that the L.A.O. has forwarded the reference as per Section 19(C)(4) of The Maharashtra Highways Act, 1955. The L.A.O. has forwarded award dated 15/01/2019. From which it can

be gathered that the land of non-applicants bearing Gat No.184 admeasuring 0.0700 R. was acquired. The L.A.O. has determined the compensation of Rs.1,91,800/-. Hence, it can be gathered that the L.A.O. has passed the award as per Section 19(B) of the Act.

05] As per the applicant the non-applicants have refused to accept the amount as there was dispute amongst them. Therefore, the applicant has forwarded this reference for apportionment of deposited compensation in non-applicants. It appears that the reference is pending since 2019. However, the applicant has not taken care at least to file 7/12 extract of non-applicants. In fact in absence of 7/12 extract share of each non-applicants can not be ascertained. Therefore, this Court has given directions to the applicant for filing 7/12 extract. However, in spite of specific directions, not only the applicant but their counsel remained absent, 7/12 extract not produced. Even the L.A.O. has not mentioned anything in respect of share of each of non-applicants. The non-applicants have also not taken care to produce the documents showing their share. Even the non-applicants have not taken care at least to file their say/written statement. Still considering the nature of proceeding it will not be just and proper to dismiss the same. Admittedly, there are four non-applicants the matter is pending since 2019. Hence, it is necessary to decide the same. So that the deposited compensation can be distributed amongst the non-applicants. As there are no documents from which specific share of each of non-applicants can be ascertained. Therefore, myself is constrained to hold that each of the non-applicants is having equal share in the deposited compensation. Therefore, considering this aspect, I hold that each of the non-applicants are entitled for 1/4

share each. Hence, I answer point No.1 accordingly and in answer to point No.2, I pass following order.

ORDER

- 01] It is hereby declared that the non-applicant Nos.1 to 4 are entitled for 1/4 share each in the deposited compensation amount of Rs.1,91,800/- (In words One Lakh Ninety One Thousand Eight Hundred Rupees Only) along with interest thereon, if any.
- 02] A.S. of the Court is hereby directed to pay the deposited compensation as per their share to the non-applicant Nos.1 to 4 along with interest thereon after verifying documents.

(Dictated & pronounced in the open Court.)

Washim.

Date :- 01/07/2026

(S. S. Sahasrabudhe)

Civil Judge (Sr. Dn.), Washim.

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment /order.

- 1) Name of Stenographer :- S. P. Kale (Stenographer-II)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 01/07/2026
- 4) Order signed by the :- 01/07/2026
presiding officer on
- 5) Order uploaded on :- 01/07/2026