



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4496 OF 2026

Balu Bhau Rathod

VERSUS

Rajaram Mansing Rathod And Ors

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Mr. J. S. Kadam, Advocate for the Petitioner

Mr. S. A. Patil h/f Mr. S.B. Choudhari, Advocate for Respondent Nos. 1 to 11

CORAM : S. G. CHAPALGAONKAR, J

DATE : MAY 05, 2026

PC:

1. The present Writ Petition takes exception to order dated 08.01.2026 passed by learned Civil Judge, Senior Division, Dharashiv in LAR No. 75/2014 below Exhibit 163.

2. Heard learned Advocates appearing for respective parties.

3. It can be observed that Petitioner and Respondents are fighting for independent right to receive compensation in reference under Section 30 of Land Acquisition Act. In such case, parties must be given fair opportunity to prove and defend their case. The record indicates that previously no cross orders were passed on 09.02.2025 and 27.06.2025 below evidence affidavits 174 and 163 respectively and on Petitioner's application those orders were set aside vide order dated 19.09.2025.

4. The learned Advocate appearing for Petitioner submits that in



pursuance to order dated 19.09.2025 passed below Exhibit 179, Petitioner is permitted to take cross-examination of witnesses, however, witnesses were not present and on third occasion when Petitioner and his Advocate was absent, witnesses was present before Court. Eventually, again no cross order is passed below Exhibit 179.

5. Looking to nature of dispute involved, it would be just and proper in interest of justice if Petitioner is given one more opportunity, however, by compensating Respondents by adequate cost. In result, Writ Petition is allowed in terms of prayer clause 'A' subject to condition that Petitioner deposits cost of Rs.5,000/- (Rupees Five thousand only) with Reference Court within a period of two weeks from today. Once cost is deposited, Petitioner shall be at liberty to cross-examine witnesses on evidence affidavit at Exhibits 163 and 174. On deposit of cost, same be paid to Respondent Nos. 1 to 11.

(S. G. CHAPALGAONKAR, J.)

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