



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 WRIT PETITION NO. 12594 OF 2017
WITH
WRIT PETITION NO. 12596 OF 2017

Bhagwan Vishwanath Gutte
VERSUS
The State Of Maharashtra And Others

WITH
WRIT PETITION NO. 12600 OF 2017

Sanjeev Ramrao Gutte Through Gpa Bhagwan Vishwanath Gutte
VERSUS
The State Of Maharashtra And Others

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Advocate for the Petitioner : Mr. Mahesh P Kale

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 22.04.2026

PER COURT :

1. Heard the learned counsel for the petitioner.
2. By the present petitions, the petitioners are challenging the order dated 19.09.2017 passed by the learned Civil Judge, Senior Division, Gangakhed below Exhibit-42 and Exhibit-46 in the Land Acquisition Reference Nos.63/2011 and 65/2011, whereby the applications filed by the petitioners seeking amendment came to be rejected.
3. Learned counsel for the petitioners submits that the petitioners had filed applications seeking amendment to the reference proceedings;

however, the same came to be rejected on the ground that the applications were filed after commencement of trial. He submits that it is for the Reference Court to decide the matter on its own merits and the learned Trial Court has committed an error in rejecting the applications on technical grounds by adopting hyper-technical approach.

4. Per contra, learned AGP submits that the reference applications were filed in the year 2011 and the petitioners were well aware of the compensation claimed by them. He submits that the amendment applications are an afterthought and have been filed only with a view to claim higher compensation. He further submits that the petitioners had knowledge of the expert report since the year 2015 and, therefore, the learned Trial Court has rightly rejected the applications.

5. Having heard the learned counsel for the parties and upon perusal of the impugned order, it appears that though the reference applications were filed in the year 2011 and the petitioners had mentioned the number of trees therein, now when evidence is being led, the petitioners seek amendment to the references and also seek to rely upon the expert report. Merely because the evidence has commenced cannot be a ground to reject the applications for amendment. It is for the petitioners/claimants to prove the contents of the amended pleadings and the expert report, and naturally the respondents would have an opportunity to oppose the same.

6. In view of the above, the petitions are allowed. The impugned

orders dated 19.09.2017 passed by the learned Civil Judge, Senior Division, Gangakhed below Exhibit-42 and Exhibit-46 in the Land Acquisition Reference Nos.63/2011 and 65/2011 are quashed and set aside. Resultantly, the applications for amendment stand allowed.

[SIDDHESHWAR S. THOMBRE]
JUDGE