IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 435 OF 2025

Sahebrao s/o Laxman Misal,
Age : 75 years, Occu : Agril.,
R/o. Railgaon, Tq. Bhokardhan,
District : Jalna. ..Petitioner

Versus

1. The State of Maharashtra,
Through the Sub Divisional Officer,
(Land Acquisition) Bhokardhan,
Tq. Bhokardhan, District Jalna.

2. The Executive Engineer,
Jalna Minor Irrigation Divisional
Jalna, District Jalna. ..Respondents

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Advocate for the Petitioner : Mr. A.P. Bhandari h/f Mr. D.A. Bide
AGP for Respondent/State : Mr. K.S. Patil

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : JULY 01, 2026

PRONOUNCED ON : JULY 06, 2026

JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with consent of parties.

2. Present writ petition takes exception to order dated 10.10.2024 passed by Civil Judge Senior Division, Jalna below Exhibit 58 and 60 in L.A.R. No.62 of 2016, whereby petitioner's prayer seeking permission to amend claim petition and lead further evidence came to be rejected.

3. The petitioner's land bearing Gat No.25 situated at Railgaon, Taluka Bokardhan, District Jalna came to be acquired for purpose of construction of storage tank. On 22.11.2013, award under Section 11 of Land Acquisition Act, 1894 came to be passed. Aggrieved by inadequacy of compensation, petitioner made reference under Section 18 of Land Acquisition Act. The petitioner filed evidence in lieu of examination-in-chief at Exhibit-29. He was cross-examined. Thereafter, petitioner filed evidence of PW-2 i.e. Government Approved Expert Valuer, who was cross-examined. According to petitioner, PW-2/Expert Valuer had committed inadvertent mistake in valuation report, whereby he had shown rates of Mangoes dehors actual rates prescribed by Agricultural Produce Market Committee during year from 2009 to 2010. After examination of PW-2, he realized said mistake and submitted corrected valuation report. The petitioner requires to make necessary correction in claim as well as bring on record corrected valuation report and, therefore, he filed application below Exhibit 58 and 60, which came to be rejected by impugned order.

4. Mr. Bhandari, learned advocate appearing for petitioner submitted that petitioner is litigating for getting just compensation towards fruit bearing trees. The petitioner has relied upon report of PW-2/Expert Valuer to bring on record loss suffered by him. An inadvertent error was caused in report of valuer. He has erroneously

recorded rates of Mangoes as Rs.35 per kg instead of Rs.55 per kg, as prescribed by Agricultural Produce Market Committee in year 2009-10. The petitioner wants to bring on record correct valuation. The corrected report is already furnished by valuer to petitioner, which was submitted along with application seeking permission for amendment.

5. Learned AGP appearing for Respondent/State supports impugned order.

6. Having considered submissions advanced by learned advocates appearing for respective parties, it can be observed that petitioner is litigating to get just compensation towards acquired land as well as fruit bearing trees lost by him due to compulsory acquisition. True that petitioner has relied upon report of PW-2 to prove market rate of fruits in year 2009-10, however according to petitioner, inadvertent arithmetical error was caused in report, which is inconsistent with rates prescribed by APMC during the year 2009-10. In this backdrop, there was no impediment in permitting petitioner to amend his claim and lead further evidence as per corrected valuation report.

7. Perusal of impugned order suggest that Trial Court refused to entertain petitioner's application for the reason that PW-2 had already stepped into witness box and recorded his evidence as

per report prepared by him. The petitioner's attempt to bring further evidence cannot be accepted.

8. This Court finds that aforesaid observations of Reference Court cannot be countenanced. The petitioner can be given a fair opportunity to bring on record evidence in support of his claim. The veracity in evidence and pleadings can be taken care of while appreciating pleadings and evidence of petitioner before passing final order. However, it would be inappropriate to refuse opportunity to bring best possible evidence on record. In this backdrop, this Court finds that petitioner's application seeking permission to amend claim petition and bring on record corrected valuation ought to have been allowed.

9. In result, order impugned cannot be sustained in law. Hence, writ petition is allowed in terms of prayer clause (C) and (D).

10. Rule is made absolute in above terms.

(S.G. CHAPALGAONKAR, J.)