



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**8 FIRST APPEAL NO. 1411 OF 2018
WITH
CIVIL APPLICATION NO. 2504 OF 2017
IN FA/1411/2018**

**GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION, THR ITS THE EXE ENGINEER AND ANR
VERSUS
NAGNATH GUNDAPPA TODKARI**

...

Mr. P. S. Shinde, Advocate for Appellant (Through V.C.)
Mr. V. V. Ingale, Advocate for Respondent

**WITH
CIVIL APPLICATION NO. 5336 OF 2024
IN X-OBJST/8486/2023**

**NAGNATH GUNDAPPA TODKARI
VERSUS
GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION, THR ITS THE EXE ENGINEER AND ANR**

...

Mr. V. V. Ingale, Advocate for Applicant
Mr. R. K. Ingole, AGP for Respondent-state
Mr. P. S. Shinde, Advocate for Respondent No.1

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**CORAM : AJIT B. KADETHANKAR, J.
DATED : 15th September 2026**

P.C. :-

CIVIL APPLICATION NO. 5336 OF 2024

. This Civil Application is filed seeking condonation of
delay caused in filing the cross-objection in the first appeal.

2. Feeling aggrieved by the impugned judgment and award dated 30.04.2012 passed by the learned 3rd Joint Civil Judge, Senior Division, Osmanabad in Land Acquisition Reference No.389 of 2002, the acquiring body lodged First Appeal No.1411 of 2018.

3. The claimant, who is also dissatisfied with the deficit compensation amount, has instituted the cross-objection. The cross-objection is filed by delay of 1814 days. The reasons for delay are mentioned at paragraph Nos.2 to 4 of the application. Considering that the main controversy is about just and appropriate compensation to the land losers, and as the controversy is already before this Court vide the first appeal, I deem it appropriate to allow this application to decide the just and appropriate compensation. It also needs to be noted that right for enhancement is a statutory right of the claimants and on technicalities, they must not be deprived of such right. It is also brought to my notice that in the connected matters arising out the same land acquisition proceedings, this Court has fixed the rate of land corresponding to its quality for the purpose of granting enhancement.

4. Mr. Prashant Shinde, learned Advocate for the acquiring body appearing through video conferencing fairly accedes to this position.

5. In view of this, Civil Application stands allowed. Delay stands condoned.

**FIRST APPEAL NO.1411 OF 2018 AND
CROSS OBJECTION STAMP NO.8486 OF 2023**

6. Both the learned Advocates for the respective parties cite before me an order passed by this Court on 27.07.2026 in a bunch of First Appeals led by First Appeal No.770 of 2013 and another order dated 07.09.2026 in First Appeal No.3783 of 2023. They submit that the present case is covered by the said orders.

7. It is submitted that the subject matter land in the appeal and cross-objection is undisputedly dry land. It is further submitted that in view of the cited orders, for dry land, the claimant is entitled to compensation at the rate of Rs.1,500/- per R. In view of this, since there is no further controversy on the point of the rate of enhancement, I deem it appropriate to partly allow the cross-objection. Hence, I pass the following order :

ORDER

- I. The First Appeal stands dismissed.
- II. The Cross-objection is partly allowed.
- III. The Claimant – Cross objector is entitled to compensation at the rate of Rs.1,500/- per R for his dry land.
- IV. The Claimant shall be entitled to interest under Sections 28 and 34 of the L.A. Act in terms of law laid down by Full Bench of this Court in the case of State of *Maharashtra Vs. Kailash Shiva Rangari* reported in *2016 AIR (Bom.) 141*.
- V. The Claimant shall not be entitled to interest and statutory benefit for delayed period.
- VI. Save and except above, impugned Judgment and Award passed by Reference Court shall stand unaltered.
- VII. The Acquiring Body shall deposit the enhanced compensation with accrued interest and in above terms in this Court within Six (6) Months. Upon deposit, the Claimant shall be entitled to withdraw the same with accrued interest, subject to payment of deficit Court fees.
- VIII. Needless to mention that after calculating the interest as per the *Kailash Shiva Rangari's* (supra) case the excess amount, if any, shall be returned to the Acquiring Body along with interest.

- IX. The Record and Proceedings be sent back to Reference Court.
- X. Award be drawn up accordingly.
- XI. Pending Civil Applications, if any, stand disposed of.

(AJIT B. KADETHANKAR, J.)

PRW