



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

984 FIRST APPEAL NO. 2784 OF 2010

Nivratti Ganpati Hake and another
VERSUS
The State of Maharashtra and another

.....

AND

FIRST APPEAL NO. 2788 OF 2010
WITH
CIVIL APPLICATION NO. 4485 OF 2026

Prabhakar Soniba Surnar
VERSUS
The State of Maharashtra and another

.....

AND

FIRST APPEAL NO. 2785 OF 2010

Umaji Jairam Kangule and another
VERSUS
The State of Maharashtra and another

.....

AND

FIRST APPEAL NO. 2786 OF 2010

Maroti Rangnath Parsewar (died) Lrs Rajeshwar Maroti Parsewar
and others

VERSUS

The State of Maharashtra and another

.....

AND

FIRST APPEAL NO. 2787 OF 2010
WITH
CIVIL APPLICATION NO. 4486 OF 2026

Maroti Rangnath Parsewar (died) Lrs Rajeshwar Maroti Parsewar
And Ors

VERSUS

The State of Maharashtra and another

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Advocate for Appellant : Mr. S.S. Halkude
AGP for Respondent No.1: Mr. K.N. Lokhande

Advocate for Respondent No.2 : Ms. Madhubala B. Gangwal

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 17th JUNE, 2026

PER COURT :-

1. These appeals are preferred by the calamints for enhancement of amount of compensation against the judgment and award dated 28.06.2012 passed by the learned Land Reference Court, Ahmedpur, district Latur, as per the details shown in the following chart:-

Sr. No.	First Appeal No.	LAR No.	House Ho.	Area	Compensation awarded by LAO (Rs.)	Compensation Awarded by Reference court (Rs.)
1	2784/2010	26/2004	8, 8/1 & 8/2	72.50 sq. meter	35/- per sq. meter	110/- per sq. meter
2	2788/2010	267/2004	125	67 sq. meter	35/- per sq. meter	110/- per sq. meter
3	2785/2010	268/2004	258	56 sq. meter	35/- per sq. meter	110/- per sq. meter
4	2786/2010	269/2004	20/1	92.60 sq. meter	35/- per sq. meter	110/- per sq. meter
5	2787/2010	269/2003	20	20 sq. meter	35/- per sq. meter	110/- per sq. meter

2. The claimants' houses situated at village Rui, Tq. Ahmedpur, District Latur, were acquired for the purpose of construction of Udharva Manyar Project for old Gaothan as per the notification issued and published under Section 4 of the Land Acquisition Act, 1894 (for short "L.A. Act") on 14.09.1998. The L.A.O.

awarded the compensation @ Rs.35/- per sq. meter whereas the learned Reference Court has awarded the compensation @ Rs.110/- per sq. meter.

3. Learned advocate for the appellants submitted that the learned Reference Court has not considered the evidence in its proper perspectives and come to the conclusion and awarded the meager amount of compensation. He pointed out the sale exemplar Exh.20 and submitted that the compensation be awarded as per the sale exemplar of village Rui. He therefore, prayed to allow the appeals and enhance the amount of compensation.

4. Learned advocate for the appellants has filed an application for adducing additional evidence bearing civil application No. 4485 of 2026, alongwith the said application, a copy of village map is annexed, which shows that villages Rui and Sangavi - Sunegaon are situated within the radius of 1.5 kilometers as per the google map. He is also relying upon the judgment of this Court delivered in first appeal No. 1045 of 2006 dated 24.12.2025 by which the claimants in the similarly situated appeals got compensation 60% of the amount as suggested by the valuer. He pointed out the valuer's report at Exh.27 and submitted that the valuer Mr. Nandkumar Pokalwar has deposed before the Court and his evidence is not shaken in the cross

examination. However, the said evidence was not believed by the learned Reference Court and awarded the meager amount of compensation. It is also pointed out that in para 17, the learned Reference Court considered the evidence of valuer and the evidence of sale exemplar and other evidence, however, awarded the compensation @ Rs.110/- per Sq. meter, which is not 60% of the value determined by the valuer. It is lastly prayed to award the compensation on the principle of parity after believing the valuer's report.

5. Learned advocate Ms. Gangwal, for the respondents-acquiring body strongly opposed the appeals and submitted that the reasons and findings of the learned Reference Court are correct and legal. Learned Reference Court awarded the compensation after considering the evidence on record. There is no evidence that village Sunegaon Sangvi are situated within the one and half kilometers. The Google map does not give the exact distance though relied upon by the claimants. The reasons and findings of the learned Reference court are legal and correct and principle of parity cannot be made applicable to the case in hand and the same rate of compensation on the principle of parity cannot be awarded to the claimants as awarded in first appeal No. 1045 of 2006 dated 24.12.2025. It is lastly prayed to dismiss the appeals.

6. On perusal of the reasons and findings in the impugned judgment alongwith the record and proceedings, it appears that the learned Reference Court has discussed the evidence of valuer in his report Exh.21. He valued the house properties of the claimants by visiting the said houses. His evidence at Exh.17 corroborates his testimony. In his cross examination, he had admitted that he has not mentioned in his report as to what extent and on what basis he has determined the age of houses. He had further admitted that he has not mentioned the approved rate of Government in his report other than the D.S.R. report. No doubt, the report of the valuer as to the house properties is given by the remunerated witness, therefore, some amount deserves to be deducted for that purpose. Further, in not mentioning the approved rate of the Government, he admits in the cross examination and as to the nature, determination, exact age of the houses, for that purpose 40% amount deserves to be deducted. The applications filed for additional evidence also deserves to be allowed.

7. As directed by this Court in First Appeal No. 1045 of 2006, the claimants are entitled to 60% of the amount assessed in the valuer's report, as shown in the chart in the operative part of this order. The appeals therefore, deserve to be allowed by applying the

principle of parity. Hence, the following order:-

O R D E R

- I. The appeals are partly allowed.
- II. The impugned judgment and award are partly set aside and modified as under:-
 - a) The appellants/claimants are entitled to the amount of compensation shown in **Column No. 8**, in bold figures, for their houses, inclusive of the compensation amount previously awarded and received, as per the following chart:

Sr. No.	First Appeal No.	LAR No.	House Ho.	Construct ed Area (sq. ft.)	Value of houses as per valuation report (Rs.)	60% value of valuer's report of constructed area (Rs.)	Value as per Rs.168/- per sq. ft. (Rs.)
1	2	3	4	5	6	7	8
1	2784/10	26/04	8, 8/1 & 8/2	72.50 sq. meter (780.10 sq. ft.)	5,20,640.00	3,12,384.00	1,31,040.00 + 3,12,384.00 = 4,43,424.00
2	2788/10	267/04	125	67 sq. meter (720.92 sq. ft.)	1,79,240.00	1,07,544.00	1,20,960.00 + 1,07,544.00 = 2,28,504.00
3	2785/10	268/04	258	56 sq. meter (602.56 sq. ft.)	1,28,166.00	76,899.00	1,01,136.00 + 76,899.00 = 1,78,035.00
4	2786/10	269/04	20/1	92.60 sq. meter (996.37 sq. ft.)	7,01,170.00	4,20,702.00	1,67,328.00 + 4,20,702.00 = 5,88,030.00
5	2787/10	269/03	20/1	20 sq. meter (215 sq. ft.)	67,600.00	40,560.00	36,120.00 + 40,560.00 = 76,680.00

- b) The claimants are also entitled for statutory benefits like

additional components, solatium and interest on the enhanced amount of compensation as per the provisions of the Land Acquisition Act, 1894.

- c) Rest of the judgment and award is confirmed.
- d) Award be drawn up as per the above modification.

III. The respondents are directed to deposit the enhanced amount of compensation alongwith statutory benefits, in this Court within a period of six months from today.

IV. If the court fees is not paid, on payment of deficit court fees, the enhanced amount of compensation be paid to the appellants- claimants.

V. Record and proceedings be sent back.

8. The civil applications filed for additional evidence are allowed and disposed of.

(SANJAY A. DESHMUKH, J.)

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