



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

904 FIRST APPEAL NO. 196 OF 2014

SURYAKANT VITHALRAO CHINCHOLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

AND

FIRST APPEAL NO. 190 OF 2014

SHIVAJI VENKAT GAMBHIRE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

AND

FIRST APPEAL NO. 191 OF 2014

NARSING PANDURANG PAWALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

FIRST APPEAL NO. 192 OF 2014

NANDKUMAR EKNATH KULKARNI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

FIRST APPEAL NO. 193 OF 2014

PANDURANG SHAMRAO LAKHANGAVE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. V. D. Gunale, a/w Mr. S. J. Sonkawade, Advocates for Appellants.

Mr. S. G. Joshi, AGP for Respondents.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 18th April, 2026.

Per Court:

1 These appeals have been preferred by the claimants for enhancement of the compensation against the common judgment and award dated 26th April, 2013, passed by the learned Reference Court, Tahsil Udgir, District Latur, in LAR Nos.1505, 1506, 1507 and 1508 of 2010, as per following chart:-

Sr. No.	F. A. No.	L.A.R. No.	Survey No.	Area of land	Nature of land
1	196 of 2014	1920 of 2010	126	(4H 90R)	Irrigated
			126	(2H 58R)	Non-Irrigated
			120	(0H 57R)	Non-Irrigated
2	190 of 2014	1505 of 2010	122	(0H 54R, 0H 70R, 0H 71R, 0H 81R)	Irrigated
			119	(0.45 R)	Non-Irrigated
			129	(0.64R)	Non-Irrigated
3	191 of 2014	1507 of 2010	127/2/1	(2H 46R)	Non-Irrigated
			129	(2H 58R)	Non-Irrigated
4	192 of 2014	1506 of 2010	131	(1H 76R, 1H 75R)	Irrigated
5	193 of 2014	1508 of 2010	129	(2H 95R, 3H 02R)	Irrigated

2 The learned Advocate for the appellants pointed out the pleadings, the evidence, the grounds of objections in the appeals and the reasons and findings in the impugned judgment. He submitted that the lands mentioned in above table are acquired for the purpose of Borul Storage/Percolation Tank as per the notification issued under Section 4 of the Land Acquisition Act, 1894. He

submitted that, while awarding compensation, the learned Reference Court has disbelieved the sale exemplar at Exhibit-21 and also did not rely upon the report of the valuer, who had visited the acquired lands and drawn up the report of factual situation alongwith details as per Mirmam's Table's factors. He further submitted that the compensation awarded by the learned Reference Court is inadequate and deserves to be enhanced. He submitted that the evidence of the valuer was not shaken in cross-examination and that it was not necessary to serve notice on the respondents at the time of inspection and valuation of the trees in the acquired lands.

3 The learned Advocate for the appellants pointed out the judgment dated 25th March, 2026, passed by this Court in Cross-Objection No.247 of 2025 and other connected matters, by which this Court determined the compensation @ Rs.6,516/- per Acre for non-irrigated lands and @ Rs.13,032/- per Acre for irrigated lands. He prayed to award the compensation as per the principle of parity.

4 The learned AGP for the respondents strongly opposed the appeals and submitted that the sale exemplar at Exhibit-21 cannot be relied upon, as it pertains to a small size of 40 R land, sold under the sale-deed dated 20th February, 2023, @ Rs.7,758/- per R. He

submitted that the learned Reference Court has rightly disbelieved the said sale exemplar. He further submitted that the claimants' lands consist of a large chunk and, therefore, sale exemplar at Exhibit 21 is not a comparable and reliable. He further submitted that the valuation report is unreliable and therefore, the learned Reference Court rightly disbelieved that evidence and awarded compensation at double the amount of award of LAO for the trees. It is lastly prayed to dismiss the appeals.

5 Perused the record and proceedings, particularly, the pleadings, the evidence and the impugned judgment and award.

6 The sale exemplar at Exhibit-21 dated 20th February, 2003, is for the highest sale consideration, by which 40 R was sold @ Rs.7,758/- per R. The sale exemplar is admissible under Section 51-A of the said Act and proof of the contents of the document is dispensed with as per Section 59 of the Indian Evidence Act, 1872, now Section 54 of the Bharatiya Sakshya Adhiniyam, 2023. It would be proper to reproduce paragraph Nos.14 and 15 of the judgment of this Court passed in Cross-Objection No.247 of 2025, which are relevant for deciding this appeal, which read as under:

“14. The said sale exemplar at Exhibit-36 is admissible under Section 51-A of the Land Acquisition Act, 1894. It is necessary to clarify proof of the contents of the document is

dispensed with as per Section 59 of the Indian Evidence Act, 1872 (now corresponding to Section 57 of the Bharatiya Sakshya Adhiniyam, 2023). However, for proving the signatures on it, as required under Section 67 of the Indian Evidence Act, now Section 65 of the Bharatiya Sakshya Adhiniyam, the claimants have examined Maroti Madhavrao Shirse (CW-2) and Ram Maroti Surse (CW-3), who are signing witnesses of Exhibits 35 and 36, respectively. Thus, the essential requirements of Section 65 are duly complied with. In civil cases, strict proof is not necessary, and non-examination of the purchaser of the land cannot be a ground to disbelieve the sale exemplar at Exhibit-36. The learned Reference Court failed to properly appreciate the evidence of the claimants, particularly Exhibit-36, which reflects the highest price, but erroneously relied upon Exhibit-37, which reflects the lowest price.

15. The sale exemplar at Exhibit-36 dated 20.02.2003, shows that 29 Are land situated at village Deoni (K) District Latur, was sold for a consideration of Rs.2,25,000/-, i.e., Rs.7,758/- per Are. The said sale exemplar can be safely relied upon by deducting 20% towards the small size of the land in sale exemplar at Exhibit-36. After such deduction, the rate comes to Rs.6,206/- per Are. The sale exemplar Exhibit-36 is executed on 20.02.2003, whereas the claimants lands were acquired by the notification dated 19.08.2004, i.e., after about one and a half years. Considering the law laid down in the authorities of **General Manager Oil Vs. Rameshbhai** (Supra) and **Kolkata Metropolitan Development Authority Vs. Gobinda** (Supra), excluding the base year, it would be proper to award escalation @ 5% p.a. for one half year only. Accordingly, the market value of acquired land on the day of notification comes to Rs.6,516/-per Are.”

7 As far as the compensation awarded for mango and other trees in the acquired lands of the claimants are concerned, on perusal of the valuation report and the oral evidence of valuer, this Court found that the report, along with its charts, lacks necessary details regarding deduction of expenses towards fertilizers, labour charges, transportation, etc. Further, it must be borne in mind that such valuers are remunerative witnesses, and therefore, their reports require careful scrutiny. Considering all these aspects and the law laid down in ***Maltibai Navnath Kulkarni Vs. The State of Maharashtra and Anr. Special Leave Petition No.34508 of 2025 dated 09.02.2026***, wherein the ***Chinda Fakira*** case was considered and deduction of 20% was held to be unjustified. But the said principle is not applicable to the present case, as the costs of production have not been excluded which can be seen from the valuation report.

8 In view of the above reasons, the valuation report can be treated as partly relied upon, but not fully. By deducting 40% amount out of the amount curved out from the said report, it ought to have accepted by the learned Reference Court. Thus, the reasons and findings recorded by the learned Reference Court in this regard are neither legal nor correct and are not sustainable either on facts or in law.

9 Considering all these reasons, the claimants are entitled for the compensation on the principle of parity as their lands are acquired for one and same project i.e. Borul Storage / Percolation Tank at Borul Deoni (Kh) Sindhikamat, District Latur, with the same rate as per said Judgment of this Court @ Rs.6,516/- per Are for their non-irrigated lands and @ Rs.13,032/- per Are for their irrigated lands, as per above chart. Therefore, interference is warranted in the impugned judgment and award. The appeals deserve to be allowed by setting aside the impugned judgment and award partly. Hence, the following order:

ORDER

- I. The First Appeal are allowed.
- II. The impugned judgment and award are patly set aside and modified as under:-
 - (a) The claimants are entitled to compensation @ Rs.6,516/- per Are for their non-irrigated lands as shown in the chart, including the earlier compensation awarded and received by them, along with all statutory benefits like interest, component and solatium etc., as per the Provisions of the Land Acquisition Act, 1894.
 - (b) The claimants are entitled to compensation @

Rs.13,032/- per Are for their irrigated lands as shown in the chart, including the earlier compensation awarded and received by them, along with all statutory benefits like interest, component and solatium etc., as per the Provisions of the Land Acquisition Act, 1894.

- (c) The claimants are also entitled to rental compensation @ 9% per annum from the date of taking possession) to the date of notification, if any.
- d) By deducting 40% amount from the report of the valuer of trees, the remaining amount be paid to the claimants. A copy of the said report shall be kept with this judgment for consideration and calculation of the amount.
- (e) Clause (7) of the impugned judgment and award is modified as under:

“The claimants are entitled to interest @ 9% p.a. from the date of the award for one year, and thereafter @15% p.a. till realisation of the amount.”

- III. It is clarified that the appellants/ claimants are not entitled to the interest and other statutory benefits for the period of delay, if any, condoned by this Court.
- IV. The respondent-Acquiring Authority is directed to deposit the enhanced amount of compensation along with all statutory benefits like interest, component and solatium as

per the provisions of Land Acquisition Act in this Court within six months.

- V. If court fee is not sufficiently paid, the appellants shall pay deficit court fees. On receiving the same, the enhanced amount of compensation be paid to the claimants.
- VI. Award be drawn up accordingly.
- VII. Pending civil applications, if any, are disposed of.
- VIII. Record and Proceedings be sent back.

[SANJAY A. DESHMUKH, J.]

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