



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

923 CIVIL APPLICATION NO. 985 OF 2023
IN FAST/33912/2022

Rajabhau Dadarao Giram (died) Through
L.Rs. Prayagbai Rajabhau Giram And Another

VERSUS

The State Of Maharashtra Through Collector, Jalna And Others

Mr.Deepak M. Kakade, Advocate for applicants
Mr.S.P.Sonpavale, AGP for respondent nos.1 and 2
Mr.R.K.Ingole, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : AUGUST 29, 2026

ORDER :-

The applicants who are original claimants has filed First Appeal challenging the judgment and award dated 05.07.2016 passed by learned Reference Court, Jalna in L.A.R. No.78 of 2010. There is delay of 2264 days caused in filing the appeal.

2 Learned advocate for the applicants submits that the applicants/appellants are poor persons and land owners whose sole source of livelihood has been taken away in the compulsory land acquisition. He would submit that for want of correct knowledge of proceedings, the applicants could not approach earlier for filing the First Appeal. He would further submit that the proceedings for enhancement is a piece of beneficial legislation and hence the

applicants/appellants must get opportunity to demonstrate their entitlement for higher compensation. He also places on record a copy of the order passed by this court on **23.12.2025 in First Appeal No.751 of 2022 (Bhagwan Jaykuji Nirwal, since deceased through his L.Rs.Sitabai Vinayakrao Lahane Vs. The State of Maharashtra, through Collector, Jalna and others** with connected matters. He would submit that the cited matters arose out of the same land acquisition proceedings and are absolute identical to the case in hand. He would submit that on the same set of facts and evidence, this court has granted enhancement to the appellants in the cited matters. He was at pains to submit that if the applicants are not given an opportunity to establish their entitlement for enhancement in compensation on the principle of parity, the very object of the beneficial legislation shall stand frustrated only on the ground of limitation. With this, he prays to condone the delay and pass appropriate order in the First Appeal on the basis of the cited order on the principle of parity.

3. Yesterday, this matter was taken up. This court made specific query to Mr.R.K.Ingole, learned advocate for the acquiring body to verify the contents of the cited order with the record and facts of the present case.

4. In all fairness, Mr.Ingole, learned advocate submits that the cited orders indeed are identical to the present case. He submits that he has taken adequate instructions from the Officers of the acquiring body on comparison of the facts in the cited case as also in the present case. On instructions, he makes a statement that the applicants/appellants would be entitled for enhancement on the principle of parity subject to the limitation.

5. Upon hearing both the learned advocates for the respective parties, I find that it is not a disputed fact that the present matter is different from the matters which are in cited order. From the response received from the acquiring body it is apparently clear that in the same facts and circumstances, the present applicants would also be entitled for enhancement in the same tune.

6. Now, the issue remains only about the limitation. The proceedings for enhancement in compensation against the compulsory land acquisition is a piece of beneficial legislation. Ordinarily, this court would not have considered the delay as a technical aspect of the matter. However, considering the peculiar facts in the present case and in view of the law laid down by the Hon'ble Supreme Court in the case of **Suresh Kumar vs. State of Haryana and ors., (Civil Appeal arising out of (C) No.670 of**

2020) and connected matters decided on 23.04.2025 and on the principle of parity, I deem it appropriate to allow the application. However, the applicants obviously shall not be entitled for any sort of interest on any component for the delayed period.

7. Hence, I pass following order:-

O R D E R

(i) The Civil Application is allowed. Delay caused in filing the First Appeal stands condoned. Appeal be registered.

In First Appeal (Stamp) No.33912 of 2022:-

(ii) Issue notice to the respondents. Mr.Jadhavar, learned AGP waives notice for respondent nos.1 and 2. Mr.R.K.Ingole, learned advocate waives notice for the respondent no.3 – acquiring body.

(iii) It is no more in dispute, as is observed in the order passed in the Civil Application for condonation of delay, that in the matters arising out of the same land acquisition proceedings and based on the same set of evidence and facts, this court has granted escalation in the award vide order dated 19.12.2025. A copy of the said order is taken on record and marked as “X” for identification. I can see that this court has fixed the rate of Rs.4426/- per R for dry land;

Rs.6629/- per R for seasonally irrigated land; Rs.8852/- per R for fully irrigated land; and Rs.2213/- per R for *Potkharab* land.

(iv) The appellants' land, as is observed by the reference court, bears the quality of dry land. Learned advocate for the appellants/claimants does not dispute quality of the land and findings of the trial court on that point. In view of this, I deem it appropriate to allow the First Appeal on the principle of parity keeping in mind the rate fixed by this court vide cited order dated 23.12.2025

(v) Hence, I pass the following order:-

A. The First Appeal is allowed partly.

B. The appellants are entitled to receive the rate of Rs.4426/- per R.

C. The appellants shall be entitled to interest U/Sec. 28 and 34 of the Land Acquisition Act, payable from the date of final award as per the decision in the case of **State of Maharashtra Vs. Kailas Shiva Rangari, 2016(4) All MR 513.**

- D. Save and except above modification, impugned judgment and award shall stand unaltered.
- E. The appellants shall not be entitled to receive interest and statutory benefits for the delayed period.
- F. The appellants shall pay the deficit court fees.
- G. Award be drawn up accordingly.

[AJIT B. KADETHANKAR, J.]

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