

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

949 CIVIL APPLICATION NO. 2500 OF 2015
IN FAST/899/2015 WITH CA/2501/2015 IN FAST/899/2015

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
MANOHAR JAIRAM AMBAR

...

AGP for Applicants : Mr. A. M.Phule

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CORAM : S. V. GANGAPURWALA, J.

DATE : 16th October, 2015

PER COURT :

1. There is delay of almost six years in filing the appeal.

2. I have gone through the judgment delivered by the reference Court. The reference court, while partly allowing the reference, has relied on the sale instance which was before the Special Land Acquisition while passing award by him. The said sale instance dated 23.04.1990 was at Rs.41,361 per hectare. The land in the sale instance was also under Group 3 as that of the land under acquisition. The court has observed that there is no reason to discard the said sale instance. The court has only added 10 % increase annually. Notification under Section 4 is dated 22.10.1992 and the sale instance is 2 years prior to the said notification i.e. 22.04.1990

and has held the market value of Rs.46,000/- per hectare.

3. The reference court has also not awarded any interest under section 39 of the Land Acquisition Act to the claimants. The reference court has properly considered the sale instance and has awarded reasonable and modest amount of compensation.

4. In light of that, the Civil application for condonation of delay and First Appeal stand dismissed. No costs. The civil application for stay also stand disposed of.

(S. V. GANGAPURWALA, J.)

JPC