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

FIRST APPEAL ST.NO.4051/2013 WITH
CIVIL APPLICATION NO. 3773 OF 2013

The State of Maharashtra & ors.

VERSUS

Janabai Laxman Lohar & ors.

Shri A.M. Phule, A.G.P. for appellants
Shri A.B. Kale, Advocate for respondents

WITH

FIRST APPEAL ST.NO.4063/2013 WITH
CIVIL APPLICATION NO.3775/2013

The State of Maharashtra & ors.

VERSUS

Kaduba Ramdas Chaudhari

Shri A.M. Phule, A.G.P. for appellants
Shri A.B. Kale, Advocate for respondent

WITH

FIRST APPEAL ST.NO.4054/2013 WITH
CIVIL APPLICATION NO.3777/2013

The State of Maharashtra & ors.

VERSUS

Sayabai Pandhari Sonar, Died L.R.
Dhondu Pandhari Sonar

Shri A.M. Phule, A.G.P. for appellants
Shri A.B. Kale, Advocate for respondent

WITH

FIRST APPEAL ST.NO.4057/2013 WITH
CIVIL APPLICATION NO.3779/2013

The State of Maharashtra & ors.

VERSUS

Raosaheb Bapu Patil

Shri A.M. Phule, A.G.P. for appellants
Shri A.B. Kale, Advocate for respondent

WITH

FIRST APPEAL ST.NO.4060/2013 WITH
CIVIL APPLICATION NO.3781/2013

The State of Maharashtra & ors.

VERSUS

Raju Lotu Wagh

Shri A.M. Phule, A.G.P. for appellants
Shri A.B. Kale, Advocate for respondent

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CORAM: V.K. JADHAV, J.

DATED: 19th April, 2017.

ORAL ORDER :

1. All these Appeals deal with acquisition of the house properties of the claimants on account of submergence of area under Waghur Dam.

2. A group of First Appeals bearing First Appeal No.3060 of 2013 with connected First Appeals came to be disposed of by this Court (Coram : S.V. Gangapurwala, J.) vide judgment and order dated 19/12/2013, thereby upholding the valuation made by the Reference Court in respect of the land at Rs.600/- per R, however, had granted enhancement of compensation in respect of the structures, wherein the Valuer's report was considered by this Court and had deducted 10% from the said Valuer's report. In para 7, 8 and 9, it was observed as under :

> "7. The Court has appreciated the evidence on record and had come to the conclusion that he accepts the valuation report. But then no reason is given for deducting the amount in some of the matters upto 60% to 75% and in majority of matters 25%.
>
> 8. There may be some error. To work out the said margin of error, some deduction would be permissible from the amount as suggested by the Valuer. Considering the fact that. the properties acquired are lands and small houses the margin of error would also be less.
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> 9. In the light of the above, it would be appropriate to deduct 10% from the valuation as shown by the expert.

3. In a group of First Appeals bearing First Appeal No.2745/2015 with connected First Appeals, this Court (Coram : S.V. Gangapurwala, J.), vide judgment and order dated 21/10/2015, disposed of the said Appeals arising out of the same project and the judgment and award passed by the Reference Court in the light of the observations made earlier as referred in para No.2 of this order, bearing First Appeal No.3060/2013 with connected First Appeals.

4. In view of above, there is no reason to take any other view. There is no substance in the First Appeals. All the First Appeals are thus liable to be dismissed and they are accordingly dismissed.

5. In view of dismissal of First Appeals, pending Civil Applications seeking stay are also disposed of.

(V.K. JADHAV)
JUDGE

fmp/