IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.239 OF 2004

Dnyandev s/o Nivarati Narwade
Age: 48 Yrs., occu. Agril.
R/o Masla Khurd, Tq. Tuljapur,
District Osmanabad. = **APPELLANT (orig.Claimant)**

VERSUS

1. The State of Maharashtra
Through the Collector,
Osmanabad.

2. Executive Engineer,
Maharashtra State Minor
Irrigation Department,
Division at Osmanabad. = **RESPONDENTS**

Mr. SS Thombre, Advocate for Appellant;

Mr. AM Phule, AGP for Respondents.

CORAM : P.R.BORA, J.
DATE : 8th January, 2019

ORAL JUDGMENT

1. Heard Shri Thombre, learned counsel appearing for appellant and learned AGP Shri Phule, appearing for the respondents.

2. By filing the present appeal, the appellant is seeking enhancement in the amount of compensation, as awarded by the Reference Court in LAR No.809/1997 decided on 20th April,2002 by Joint

Civil Judge, Senior Division, Osmanabad.

3. Learned counsel for the appellant submitted that though necessary evidence was adduced and the relevant sale instances were brought on record, the Reference Court has failed in considering the said evidence and has awarded the compensation not to the satisfaction of the present appellant and not in consistent with the evidence, as was adduced on record.

4. The learned AGP inviting my attention to the discussion made by the Reference Court in para 8 of its judgment, submitted that, the present appellant had claimed the compensation of the acquired land @ Rs.30,000/- per acre and the same has been awarded by the Reference Court. The learned AGP invited my attention to Exhibit-44 from the record of the trial court. It is the reply given by the appellant to the notice under Section 9 of the Act, wherein he has claimed compensation @ Rs.30,000/- per acre.

5. In view of the fact that the appellant

himself has claimed the compensation @ Rs.30,000/- and the same has been awarded by the Reference Court, it does not appear to me that there is any scope for causing any interference in the impugned Judgment and Award. The appeal being devoid of any substance, deserves to be dismissed and is accordingly dismissed, however, without any order as to costs.

(P.R.BORA)
JUDGE

bdv/