

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

**43 CIVIL APPLICATION NO.13159 OF 2019
IN FA/820/2014**

**DHONDIBA VITHALRAO HENDGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicant : Mr. Chincholkar G.N.
AGP for Respondent/State: Mr. A.M. Phule
Advocate for respondent no.3: Mr. B.R. Survase
...

CORAM : MANGESH S. PATIL, J.

DATE : 26.11.2019

PER COURT :

Heard.

2. Issue notice to the respondents. Learned A.G.P. waives service for the respondent nos. 1 and 2. Learned advocate Mr. Survase waives service for the respondent no.3. Heard both the sides.

3. While deciding the First Appeal by the judgment and order dated 24.01.2018 this Court had not awarded statutory benefits under different sections of the Land Acquisition Act which may be added.

4. In fact, the reference court had awarded compensation by the impugned judgment and award and while doing so it had also awarded statutory benefits under Section 23(2), 23(1A), 28 and 34 of the Land Acquisition Act. It is not that the acquiring body had chosen to impugn the

judgment and award but the claimants were not satisfied with the assessment as to the quantum of compensation in respect of the house properties acquired. Therefore, in my considered view in fact there is no need for any clarification still, in couple of other matters this Court has given a clarification, the same course needs to be adopted.

5. The application is allowed. The following sentence shall be added at the end of para no. 9 of the judgment.

“The appellant is entitled to statutory benefits under Sections 23 (1A) and 23 (2) and interest under Section 28 of Land Acquisition Act.”

6. Motion is disposed of.

(MANGESH S. PATIL, J.)

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