

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL ST. NO.30762 OF 1994

WITH

CIVIL APPLICATION NO.3311 OF 2000

WITH

CIVIL APPLICATION NO.3990 OF 1995 (not on board)

WITH

CIVIL APPLICATION NO.5681 OF 1995 (not on board)

IN

FIRST APPEAL ST. NO.30762 OF 1994

The State of Maharashtra

..Applicant

vs.

Bhagwat Ganesh Joshi

deceased through his legal heirs

1.Devidas Bhagwat Joshi and Ors.

..Respondents

.....

Mr. A.R. Patil, AGP for the Applicant-State.

None for the Respondents.

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CORAM : M. S. KARNIK, J.

DATE : 13th MARCH, 2020.

P. C. :

The State of Maharashtra through the S.L.A.O. CIDCO Project, Nashik has filed this Appeal challenging the impugned judgment and award passed by the Joint District Judge, Nashik. An award came to be passed by the S.L.A.O. granting compensation @ Rs.5/- to Rs.7/- per sq. mtr. The Reference Court enhanced the compensation upto Rs.35 per sq. mtr. for Zone I and Rs.25 per sq. mtr. for Zone II.

2. The area of the land which was acquired was 393.81 sq.mtr. The amount awarded by the Special Land Acquisition Officer was Rs.7069.65 paisa. On the basis of the market value and considering the materials on record the Reference Court awarded a total amount of Rs.13,783.35 paisa. After adding the Solatium and 12% Component for the period of 45 months the total amount awarded is Rs.24,120.85 paisa. Thus even after enhancement a meagre compensation has come to the share of the claimant. Considering these circumstances and that the First Appeal is of the year 1994, I am not inclined to entertain the present Appeal. It is however made clear that the Appeal is decided in view of the peculiar facts of the present case and shall not operate as a precedent. The Appeal is dismissed.

3. In view of the dismissal of the Appeal, nothing survives for consideration in the Civil Applications. The Civil Applications are disposed of accordingly.

(M. S. KARNIK, J.)