



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

1012 FIRST APPEAL NO. 1615 OF 2007

**MOTILAL KANIRAM RAJPUT
VERSUS
THE STATE OF MAHARASHTRA OFFICER**

...
Advocate for Appellant : Mr. S. A. Kale h/f. Mr. A. B. Kale
AGP for Respondent: Ms. P. R. Bharaswadkar
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 08th FEBRUARY, 2024**

PER COURT:

1. Heard.
2. Order dated 25.01.2024 in First Appeal No.1616 of 2007 is produced before this court by the learned AGP. The learned AGP submits that the same would be applicable to the facts of the instant case. In the instant case also there is challenge with regard to the valuation of the trees, well, shade, structure on the land etc.
3. In view of the same, relying upon the above Judgment this court dated 25.01.2024, the order passed by the reference court not granting benefit of compensation for valuation of trees, well, shade, structure on the land etc. the matter is remitted back to the reference

court to decide the amount of compensation only as regards the valuation of the trees, well, shade, structure on the land etc.

4. In the event, the appellants succeeds, the reference court would not grant any interest or statutory benefit for the delayed period i.e. from the date of the impugned award i.e. 25.04.1997 till today.

5. The First Appeal stands accordingly disposed of .

[ARUN R. PEDNEKER, J.]

marathe