

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.602 OF 2003

The State of Maharashtra

: Appellant/
Orig. Opponent

Vs.

Anandrao Ganpatrao Wabale
(deceased through legal heirs)
Jaysingh Anandrao Wabale

: Respondents/
Orig. Claimant

WITH

CIVIL APPLICATION NO.1440 OF 2004

IN

FIRST APPEAL NO.602 OF 2003

The State of Maharashtra

: Applicant/
Orig. Opponent

Vs.

Anandrao Ganpatrao Wabale
(deceased through legal heirs)
Jaysingh Anandrao Wabale

: Respondents/
Orig. Claimant

WITH

CIVIL APPLICATION NO.3175 OF 2013

IN

FIRST APPEAL NO.602 OF 2003

The State of Maharashtra

: Appellant

Vs.

Anandrao Ganpatrao Wabale
(deceased through legal heirs)
Jaysingh Anandrao Wabale

: Respondent

AND

Maaharashtra Krishna Valley
Development Corporation

: Applicant (Intervenor)

Mr. A. R. Patil, AGP for the State.
None for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 9TH FEBRUARY, 2024

PC. :

1. This Appeal is filed challenging the Judgment and award passed by the Learned 4th Joint Civil Judge, Senior Division, Pune in LAR No.184 of 1990 dated 16th December, 2000.
2. The Original Claimant had filed the application for enhancement. The Collector therefore made a reference under Section 18 of the Land Acquisition Act. The land of the Respondent-Claimant was acquired by notification dated 3rd October, 1985. Land of the Claimant was from land Gat No.391, admeasuring 91 R. of Village Shetphal – Gadhe, Taluka Indapur, District Pune. The land of Plaintiff was classified by SLAO.
3. Since the amount was inadequate, a reference was allowed granting compensation at the rate of Rs.20,000/- per hector. The learned Civil Judge, Senior Division on appreciation of the evidence. The finding was recorded by the Court & total amount of Rs.11,375/- was enhanced.

4. It is argued by the learned AGP that the Learned Trial Court has failed to appreciate that there was no satisfactory evidence on record to enhance of the compensation. The Special Land Acquisition Officer had rightly considered and had awarded amount as per market price. It was admitted that the land of the Claimant was not bagayat land and was jirayat land till the amount is enhanced. This Court finds that the Learned Trial Court had rightly considered the evidence and had come to the conclusion that compensation needs to be enhanced.

5. This Court does not find any reason to interfere with the judgment and award consequently, the First Appeal stands dismissed. No order as to costs.

6. The pending Civil Applications, if any, also stand disposed of.

(KISHORE C. SANT, J.)