



(1)

918-CA-4508-2014

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CIVIL APPLICATION NO. 4508 OF 2014
IN FAST/2666/2014

The State Of Maharashtra And Others

VERSUS

Kokilabai Pralhad Patil

...

Mr. R. B. Dhaware, AGP for Applicants-State.

CORAM : KISHORE C. SANT, J.

DATE : 20th SEPTEMBER 2025.

PC :-

1. In spite of service, none for the respondent.
2. This civil application is filed for condonation of delay of 2504 days caused in filing the first appeal.
3. For the reasons stated in the application, application is allowed. Delay stands condoned. Office to register the First Appeal.
4. Civil Application stands disposed off.

FIRST APPEAL

5. This appeal is filed by the State challenging the Judgment and

Ethape

Award dated 22nd September 2006, passed by the learned Civil Judge, Senior Division, Jalgaon in LAR No. 1500/1998, whereby the learned Reference Court has enhanced the amount of compensation granted to the respondent-claimant.

6. The land of the respondent-claimant admeasuring 19R from Gat No.111/2 came to be acquired for National Highway No.6. A notification under Section 4 of the Land Acquisition Act came to be issued on 16th March 1989. The award was passed on 5th December 1992. The learned SLAO awarded total compensation of Rs.3259/- which comes to Rs.171 per R.

7. By way of impugned Judgment and Award, the learned Reference Court enhanced the amount of compensation and granted rate of Rs.2,000/- per R. The Total amount awarded is thus Rs.38,000/-.

8. The learned AGP vehemently argued that the enhancement of the amount is exorbitant. There is no satisfactory evidence on record to grant compensation at such higher rate. The learned SLAO had rightly determined the amount. No interference is required in a Reference.

9. This Court has gone through the impugned Judgment and Award. The learned Judge while coming to the conclusion about the valuation has considered the sale-deed dated 22nd May 1987 and 17th January 1985. Both the sale instances are four years and two years prior to issuance of Section 4 notification respectively. This Court thus finds that he has rightly relied upon both the sale instances. The land is considered to be *jirayat* land and has granted the compensation and has enhanced the amount. This Court does not find any illegality or perversity in the order passed by the learned Reference Court. No case is made out to set aside the impugned Judgment and Award. Hence, the following order:

ORDER

- (i) First Appeal stands dismissed. No order as to costs.
- (ii) In view of dismissal of First Appeal, pending Civil Applications, if any, do not survive and same stand disposed off.

[KISHORE C. SANT, J.]