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917-CA-4501-2014

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO. 4501 OF 2014  
IN FAST/7977/2014

The State Of Maharashtra Thro. Collector Osmanabad

VERSUS

Shevantabai Rangnath Pawar (died) Thr Lrs. Gundu Bapurao Pawar

WITH

CIVIL APPLICATION NO. 4502 OF 2014  
IN FAST/7977/2014

...

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

Mr. S. A. Wakure, Advocate for Respondents.

CORAM : KISHORE C. SANT, J.

DATE : 20<sup>th</sup> SEPTEMBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This civil application is filed for condonation of delay of 1026 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.

Ethape

**FIRST APPEAL**

5. This appeal is arising out of Judgment and Award dated 4<sup>th</sup> March 2011 passed by the learned 4<sup>th</sup> Joint Civil Judge, Senior Division, Osmanabad in LAR No. 461/1997.

6. The land of the respondent-claimant admeasuring 2H 70R from Gut No.33 came to be acquired for Percolation Tank at Padoli (A). A notification under Section 4 came to be issued on 31<sup>st</sup> May 1990. Award was passed on 25<sup>th</sup> March 1994.

7. By way of impugned Judgment and Award, the learned Reference Court has enhanced the amount of compensation by considering the rate of Rs.19,000/- per Acre i.e. Rs.11,000/- more per Acre than granted by the learned SLAO. The learned SLAO granted rate of Rs.8,000/-.

8. This Court finds that the said enhancement is less than four times of the award passed by the learned SLAO. The State Government vide notification dated 3<sup>rd</sup> November 2016 and Corrigendum dated 23<sup>rd</sup> February 2017 has taken a decision not to prefer appeals where the amount of compensation awarded by the Reference Court is less than

four times of the amount awarded by the learned SLAO.

9. In the present case, the rate awarded by the learned SLAO is Rs.8,000/- per Acre and the learned Reference Court is Rs.19,000/- per Acre. This Court thus finds that it is covered by the policy of the Government. In view of the above, this Court finds that the appeal deserves to be dismissed. Hence, the following order:

**ORDER**

- (i) First appeal stands dismissed. No order as to costs.
- (ii) The amount, if any, be deposited in the office of this Court within eight weeks from today.
- (iii) In view of dismissal of First Appeal, pending Civil Applications, if any, do not survive and same stand disposed off.

**[KISHORE C. SANT, J.]**