



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

**13 CIVIL APPLICATION NO. 6123 OF 2010
IN FAST/8986/2010**

THE STATE OF MAHARASHTRA AND ANR

VERSUS

GUNWANT NARAYAN KEDAR AND ANR

WITH

CIVIL APPLICATION NO. 6122 OF 2010 IN FAST/9085/2010

THE STATE OF MAHARASHTRA AND ANR

VERSUS

PADMINBAI TUKARAM KENDRE AND ORS

WITH

CIVIL APPLICATION NO. 6113 OF 2010 IN FAST/9113/2010

THE STATE OF MAHARASHTRA AND ANR

VERSUS

BALAJI TUKARAM KENDRE

WITH

CIVIL APPLICATION NO. 6114 OF 2010 IN FAST/9113/2010

THE STATE OF MAHARASHTRA AND ANR

VERSUS

BALAJI TUKARAM KENDRE

WITH

CIVIL APPLICATION NO. 6121 OF 2010 IN FAST/9085/2010

THE STATE OF MAHARASHTRA AND ANR

VERSUS

PADMINBAI TUKARAM KENDRE AND ORS

WITH

CIVIL APPLICATION NO. 6124 OF 2010 IN FAST/8986/2010

THE STATE OF MAHARASHTRA AND ANR

VERSUS

GUNWANT NARAYAN KEDAR AND ANR

Mr. R.B. Dhaware, AGP for the applicant-appellant/State.

Mr. H.B. Nandagavale h/f. Mr. V.G. Sakolkar, Advocate for the respondents.

CORAM : KISHORE C. SANT, J.
DATE : 18.09.2025

PC :-

CIVIL APPLICATIONS FOR CONDONATION OF DELAY

01. These applications are for condonation of delay of 667 days caused in filing the first appeals by the Government, challenging a common judgment and award dated 16.02.2008 passed by learned Civil Judge, Senior Division, Ahmedpur in the respective land acquisition references filed by the respondents – claimants.

02. For the reasons stated in the application, the delay stands condoned. The applications are allowed. Office to register the first appeals.

FIRST APPEALS

01. Heard learned AGP for the appellant/State and learned Advocate Mr.Nandagavale h/f. Mr. Sakolkar, Advocate for the respondents.

02. All these appeals are arising out of a common judgment and order dated 16.02.2008 passed by the learned Civil Judge, Senior Division, Ahmedpur in respective land acquisition references as given in the chart below :-

Sr No	FA No.	LAR No.	Name of Parties	Land Acquired	SLAO Rate	Ref. Court Rate
1	FAST NO. 8986/10	137/05	State of Maharashtra Vs. Gunwant Narayan Kedar	Sy. No. 204 H 37R	Rs.610/- per R for Class I Rs. 695/- per R for Class II	Rs. 3000/- per R.
2	FAST NO. 9085/10	142/05	State of Maharashtra Vs. Padminbai Tukaram Kendre	Sy. No. 208, 213 OH 22R	Rs.610/- per R for Class I Rs. 695/- per R for Class II	Rs. 3000/- per R.
3	FAST NO. 9104/10	143/05	State of Maharashtra Vs. Arjun Tulshiram Kendre	Sy. No. 206 OH 26R	Rs.610/- per R for Class I Rs. 695/- per R for Class II	Rs. 3000/- per R.
4	FAST NO. 9110/10	145/05	State of Maharashtra Vs. Balbhim Tulshiram Kendre	Sy. No. 206 OH 36R	Rs.610/- per R for Class I Rs. 695/- per R for Class II	Rs. 3000/- per R.
5	FAST NO. 9113/10	146/05	State of Maharashtra Vs. Balaji Tukaram Kendre	Sy. No. 212 OH 11R	Rs.610/- per R for Class I Rs. 695/- per R for Class II	Rs. 3000/- per R.
6	FAST NO. 9129/10	148/05	State of Maharashtra Vs. Sangram Bhiraji Kendre	Sy. No. 207 OH 45R	Rs.610/- per R for Class I Rs. 695/- per R for Class II	Rs. 3000/- per R.

03. The land of the claimants came to be acquired for percolation tank No.2 of village Boongaon, Tal. Jalkot, Dist. Latur. The land acquired is less than 1 acre. The maximum land acquired is of Gunwant Narayan Kedar in First Appeal St. No. 8986 of 2010.

04. The Government issued Notification under section 4 of the Land Acquisition Act on 25.07.2002. The award came to be passed on 24.09.2003. In the award the learned Special Land Acquisition Act (SLAO) awarded compensation @ Rs. 610/- per R for Class I land Rs. 695/- per R for Class II land. The learned Reference Court by way of impugned judgment and award flatly granted rate of Rs. 3000/- per R to the lands. The learned AGP vehemently argued that the learned Reference Court has erred in granting enhancement in the amount of compensation. The SLAO had rightly awarded rate by considering market value, position of land etc. The learned Reference Court, however, wrongly relied on the evidence of the claimants, which was led in common in LAR No. 137 of 2005. This Court cannot go through evidence on record and the reasoning of the Court. This Court does not find that any illegality is committed by the Reference Court. He has considered the evidence of CW-1 claimant in LAR No. 63 of 2006 at Exh. 18, CW-2 Barmaji Exh. 19 and CW-3 Raju Exh.20. The Reference Court has rightly appreciated the evidence.

05. This Court does not find any illegality in the judgment and award. The parties have rightly proved sale-deed at Exh.25, wherein 30

R land was purchased from adjoining village for consideration of Rs. 1,30,000/-, which comes to Rs. 4333/- per R. Thus the Reference Court has rightly granted rate as the lands were Jirayat land. This Court is not impressed by the arguments of learned AGP. This Court finds substance in the arguments of the respondents. This Court does not find any reason to set aside the impugned judgment and award. It is informed that the decree is satisfied long back. Meager amount of compensation is also one of the factors for which this Court finds that the appeals deserve to be dismissed.

06. All these appeals, therefore, stands dismissed with no order as to costs. Pending Civil Applications for stay also stand disposed off.

[KISHORE C. SANT, J.]