



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 CIVIL APPLICATION NO. 9066 OF 2023
IN FAST/15512/2023

SHARWAN KESHWAV SAPKAL DIED THR LRS DAULAT
SHRAWAN SAPKAL AND ORS
VERSUS
THE COLLECTOR JALGAON AND ANR

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Advocate for Applicant : Ms. S. A. Kale h/f Mr. Kale Ajeet B.

AGP for Respondent/s-State : Mr. N. R. Dayma.

Advocate for Respondent No.2 : Mr. Pokharkar Darshan D.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 10.12.2025

FINAL ORDER :-

1. Heard both sides.
2. Applicants seek condonation of delay of 4332 days in preferring first appeal for enhancement. It is submitted that for the reasons stated in the application, delay deserves to be condoned. It is further submitted that present appeal is squarely covered by the consistent view taken by this Court.
3. The application is contested by the acquiring body and the respondents.
4. The averments of the application have not been controverted. There is no reason to infer any malafides on the part of the applicants. Applicants are ready to forego the

interest and statutory benefits for the delayed period. It is desirable to condone the delay. Delay stands condoned on condition that applicants shall not be entitled to interest and statutory benefits for the delayed period.

5. Civil application for delay is allowed.

First Appeal Stamp

6. Heard both sides at the admission stage finally with their consent.

7. A common judgment and award dated 24.03.2011 passed in LAR.No.485 of 2003 is questioned by the appellants. The acquisition is for the Waghur project. The house property No.220 measuring 37.50 Square Meter, situated at village Khadgaon, Taluka Jamner, District Jalgaon has been acquired.

8. Learned counsel for the appellants relies on the consistent view taken by this Court by referring to the common judgment dated 01.12.2023 in First Appeal No.2437 of 2023 and others and order dated 11.09.2023 passed in First Appeal No.2563 of 2023.

9. Learned counsel for the respondents opposes the submissions of the appellants. It is submitted that no material

is placed by the appellants independently to demonstrate that its a case of enhancement. The formula of 85% of the valuation report cannot be accepted.

10. This Court is consistently taking view in case of house property acquired for Waghur project in applying the formula of awarding 85% of the compensation @ 85% of the valuation report. There is no reason to discriminate the appellants. I propose to adopt the same course. It is desirable to allow the appeal. Hence, I pass the following order :

ORDER

- (i) First Appeal Stamp is allowed partly.
- (ii) Impugned judgment and award passed in LAR.No.485 of 2003 shall stand modify to the extent of awarding the compensation for the house property of the appellants as per 85% of the valuation report submitted in the matter.
- (iii) Save and except. Rest of the award shall stand maintained.
- (iv) The appellants shall not be entitled to the interest and statutory benefits for the delayed period.

- (v) The appellants shall pay deficit court fees if any at the time of modification of the award.

(SHAILESH P. BRAHME, J.)

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vmk/-