



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 FIRST APPEAL NO. 4219 OF 2022

MINAKSHI SHIVAJIRAO PATIL

VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR

...

Mr. S. B. Gastgar, Advocate for Appellant

Mr. S. V. Hange, AGP for Respondents-State

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CORAM : SHAILESH P. BRAHME, J.

DATE : 12.11.2025

PER COURT :-

1. Heard both sides.
2. Learned counsel for the appellant informs that by impugned judgment and award dated 31.01.2009, LAR No.180 of 2005 filed by Sow. Shantabai Gopalrao Patil and LAR No.97 of 2005 filed by the present appellant were commonly decided. Sow. Shantabai Gopalrao Patil had filed First Appeal No.1103 of 2025 which was allowed vide judgment dated 14.10.2025, thereby awarding rate of Rs.20/- per sq.ft. A copy of the said judgment placed on record. On the ground of parity, it is submitted that the present appeal also needs to be allowed partly.
3. Learned AGP opposes the submissions and he would submit that the present appeal needs to be considered independently.
4. I have gone through the judgment dated 14.10.2025 passed by

coordinate bench in First Appeal No.1103 of 2025 arising out of LAR No.180 of 2025. The merits of the matter is dealt with and the relevant judgment of the Supreme Court are also considered. I find that the appellant is also entitled to the same rate on the ground of parity because the impugned judgment is common one. I proposed to follow the same course in enhancing the compensation. I therefore pass the following order :

ORDER

- (i) The first appeal stands partly allowed.
- (ii) The appellant is held to be entitled to receive compensation at the rate of Rs. 20/- per sq. ft. There shall be deduction of 32% of the area.
- (iii) The amount be deposited within twelve weeks from today in the office of this Court.
- (iv) Fresh award be passed.
- (v) Needless to say that, the appellant shall be entitled to all the benefits from the date of passing of the award in view of the judgment in the case of ***State of Maharashtra Vs. Kailas Shiva Rangari*** reported in ***2016 (3) Mh.L.J. 457***.
- (vi) With this, the first appeal stands disposed of.
- (vii) If there is deficit Court fees, the same shall be first recovered before payment of compensation.

(SHAILESH P. BRAHME, J.)