



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

902 FIRST APPEAL NO. 1246 OF 2006

Rajendra Narayanrao Gaikwad

VERSUS

The State Of Mah And Anr

...

Mr. Kale Ajeet B., Advocate for Appellant

Mr. S. B. Jadhav, AGP for Respondent/State

Ms. Isha Deshpande h/for Mr. D. P. Palodkar, Advocate for
Respondent No.2

WITH

CIVIL APPLICATION NO. 9426 OF 2016

IN FA/1246/2006

Rajendra Narayanrao Gaikwad Died Thr Lrs Sharda And Ors

VERSUS

The State Of Maharashtra And Anr

...

Mr. Kale Ajeet B., Advocate for Appellant

Mr. S. B. Jadhav, AGP for Respondent/State

Ms. Isha Deshpande h/for Mr. D. P. Palodkar, Advocate for
Respondent No.2

WITH

CIVIL APPLICATION NO. 11728 OF 2017

IN FA/1246/2006

Rajendra Narayanrao Gaikwad (died) Thr Lrs Sharda And Ors

VERSUS

The State Of Maharashtra And Anr

...

Mr. Kale Ajeet B., Advocate for Appellant

Mr. S. B. Jadhav, AGP for Respondent/State

Ms. Isha Deshpande h/for Mr. D. P. Palodkar, Advocate for
Respondent No.2

WITH

CIVIL APPLICATION NO. 10333 OF 2009

IN FA/1246/2006

Rajendra Narayanrao Gaikwad (died) Through Lrs Sachin Rajendra
Gaikwad And Ors

VERSUS

The State Of Mah And Anr

...

Mr. Kale Ajeet B., Advocate for Appellant

Mr. S. B. Jadhav, AGP for Respondent/State

Ms. Isha Deshpande h/for Mr. D. P. Palodkar, Advocate for Respondent
No.2

WITH

CIVIL APPLICATION NO. 5916 OF 2025

IN FA/1246/2006

Rajendra Narayanrao Gaikwad (died) Through His Lrs And Others

VERSUS

The State Of Mah And Anr

...

Mr. Kale Ajeet B., Advocate for Appellant

Mr. S. B. Jadhav, AGP for Respondent/State

Ms. Isha Deshpande h/for Mr. D. P. Palodkar, Advocate for Respondent
No.2

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 10.12.2025

PER COURT :-

CIVIL APPLICATION NO. 5916 OF 2025

IN FA/1246/2006

AND

CIVIL APPLICATION NO. 11728 OF 2017

IN FA/1246/2006

1. These applications are filed for amendment/modification of the claim title in the first appeal, particularly for the enhancement of amount of compensation.

2. Heard learned advocates appearing for both sides.
3. In view of the law laid down in the authorities *Amblya Kalya Mhatre (Dead) Through LRs. and Others Vs. State of Maharashtra, reported in (2011) 9 SCC 325* and *State of Maharashtra Vs. Sitaram Narayan Patil and Others, reported in 2010 (2) Bom. C. R. 366*, it is not necessary to claim the enhanced amount of compensation by specifically stating it in the application and therefore it is also not necessary to amend the claim accordingly.
4. Considering the ratio laid down in the authorities cited above, the applications deserve to be disposed of. The applications are disposed of accordingly.

**CIVIL APPLICATION NO. 9426 OF 2016
IN FA/1246/2006**

1. This application is for permission to produce the additional evidence.
2. During the course of arguments, learned advocate for the applicant submitted that the sale instances are relevant and deserve to be considered along with the judgment in L.A.R. No.34 of 2002.
3. It is well settled that an application for production of additional evidence has to be considered while finally deciding the appeal on

merits. The application, therefore, deserves to be disposed of with clarification that at the time of final arguments, both sides may argue and point out whether the document is relevant, admissible and necessary for the final adjudication of the appeal. The application is disposed of.

. List the appeal on 11.12.2025 at 02:30 p.m. for final argument.

[SANJAY A. DESHMUKH, J.]

HRJadhav