



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 FIRST APPEAL NO. 1868 OF 2021

THE STATE OF MAHARASHTRA THR COLLECTOR, LATUR AND ORS

VERSUS

BABURAO NAGNATH VAZIRE

...

Mr. S. V. Hange, AGP for Appellants

Mr. S. V. Gundre, Advocate for Respondent Nos.1A to 1F

WITH

FIRST APPEAL NO. 1869 OF 2021

THE STATE OF MAHARASHTRA THR COLLECTOR, LATUR AND ORS

VERSUS

GOVIND KASHINATHRAO GUNTHER

...

Mr. S. V. Hange, AGP for Appellants

Mr. S. V. Gundre, Advocate for Respondent

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 06.11.2025

PER COURT :-

1. Heard finally at the admission stage.
2. Learned counsel for the appellants tenders on record common judgment and order dated 2nd May 2025 passed in group of First Appeal No.1459 of 2020 and the common order dated 01.10.2025 passed in First

appeal No.1111 of 2023 and 1870 of 2023. On the ground of parity, it is urged that the present appeals need to be allowed partly. It is submitted that vide order dated 01.10.2025, the compensation is enhanced in the appeals preferred by the present respondents challenging the same judgment and award of the Reference Court. On the ground of parity at the rate of Rs.240 per sq.ft. is claimed by the appellants.

3. Learned AGP submits that the present appeals were not before the Court when the respondents' appeals were allowed partly. Hence, the present appeals need to be considered independently on their own merits.

4. Respondents' First Appeal No.1111 of 2023 and 1870 of 2023 were heard on 04.09.2025. A specific order was passed for taking instructions in the matter. Thereafter, on 01.10.2025, the appeals were decided finally relying on the earlier common judgment dated 02.05.2025. The compensation was enhanced to Rs.240 per sq.ft.. It is not disputed that on the ground of parity, the said appeals of the respondents were partly allowed. The only result possible in the present appeals is to maintain the rate of Rs.240 per sq.ft. which is enhanced by the Coordinate Bench. In view of the supervening events, I am of the considered view that the appeals preferred by the acquiring

body cannot be dealt with independently on merits.

5. First appeals are dismissed.

6. The respondents were permitted to withdraw a part of the amount and balance amount with accrued interest, still lying with this Court.

7. In view of the dismissal of the appeals, the balance amount with accrued interest shall be disbursed to the respondents/claimants. The undertaking, bank guarantee and solvent surety/security furnished by the respondents shall stand discharged.

(SHAILESH P. BRAHME, J.)

PRW