



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

**28 CIVIL APPLICATION NO. 8707 OF 2025
IN FAST/21692/2025
JALGAON CITY MUNICIPAL CORPORATION JALGAON
VERSUS
HITENDRA MOHANLAL MEHTA AND ORS**

**WITH CIVIL APPLICATION NO. 8708 OF 2025
IN FAST/21692/2025**

...
Advocate for Applicant : Mr. Vishambhar Digambar Gunale.
AGP for Respondent/s-State : Mrs. M. N. Ghanekar.
Advocate for Respondent No.1 : Ms. S.A. Kale h/f Mr. Kale A.B.

...

**CORAM : SHAILESH P. BRAHME, J.
DATE : 16.12.2025**

PER COURT :-

1. Heard both sides.
2. Acquiring body seeks condonation of delay of 46 days in preferring first appeal.
3. For the reasons stated in the application and as there is no contest to the contents of the application, delay stands condoned. Civil application is allowed.

First Appeal

4. Issue notice to the respondents.

5. Learned counsel Ms. S. A. Kale waives service of notice for respondent/claimant. Learned AGP waives service of notice for respondents/State.

Civil Application for Stay

6. Applicant seeks stay to the operation and execution of impugned judgment and award on the ground that the enhancement granted by the Reference Court is exorbitant. It is submitted that the enhancement of rate is more than 3 times. The sale instance is a small piece of land and determination of the rate is arbitrary.

7. Learned counsel for the applicant submits that appellant is ready to deposit 50% of the amount within a period of ten (10) weeks from today.

8. It is further contended that the financial condition of the Corporation is very precarious. The application is contested by the claimant. It is submitted that in a similar situation, the Division Bench directed the appellant to deposit entire amount with accrued interest within a period of six (6) weeks from today while granting stay in First Appeal Stamp No.28753 of 2025. It is further submitted that applicant did not lead any evidence.

9. I have considered rival submissions of the parties. The Division Bench also granted stay by directing the Corporation to deposit entire amount with accrued interest. The enhancement in the present matter from the rate of Rs.2800/- to Rs.8000/- per Sq. Mtr. is within four times. The reference was filed in the year 2012 and it was decided on 16.11.2024. I find that no case is made out in directing the appellant/applicant to deposit any lesser amount.

10. It is informed by learned counsel Mr. Gunale that the order dated 26.09.2025 passed by the Division Bench which is pressed into service by the respondent has already been assailed before the Supreme Court. There is nothing on record to disclose that Hon'ble Apex Court has taken cognizance of the matter or granted any stay to the order.

11. There shall be ad-interim relief in terms of prayer clause "B" on condition that applicant shall deposit entire amount of compensation with accrued interest within a period of twelve (12) weeks.

(SHAILESH P. BRAHME, J.)

...

vmk/-