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930-CA-14604-2010

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 14604 OF 2010
IN FAST/24938/2010

The State Of Maharashtra And Anr
VERSUS
Annasaheb Dadarao Nimbalkar (died) Lrs Vimalbai Annasaheb
Nimbalkar And Ors.

WITH
CIVIL APPLICATION NO. 14605 OF 2010
IN FAST/24938/2010

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Mr. R. B. Dhaware, AGP for Applicant-State.

CORAM : KISHORE C. SANT, J.

DATE : 20th SEPTEMBER 2025.

PC :-

1. Heard learned AGP for Applicant-State.
2. Inspite of service, none appears for respondent. As against respondent No.5, it is already dismissed vide order dated 15th November 2011.
3. This civil application is filed for condonation of delay of 212 days caused in filing the first appeal.

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4. For the reasons stated in the application, application is allowed. Delay stands condoned. Office to register the First Appeal.

FIRST APPEAL

5. This appeal is arising out of Judgment and Award dated 15th October 2009 passed by the learned Civil Judge, Senior Division, Osmanabad in LAR No. 544/1991.

6. The land of the respondent-claimant came to be acquired for Minor Irrigation Tank Sangvi Tuljapur Project. A notification under Section 4 of the Land Acquisition Act came to be issued on 21st January 1986. The land of the respondent-claimant admeasuring 92R from Gut No. 185 and 1H 12R from Gut No.313 came to be acquired. The award was passed on 31st March 1988. The learned SLAO awarded the rate of Rs.9,000/- per Acre. By way of impugned Judgment and Award, the learned Reference Court enhanced the amount of compensation and granted the same at the rate of Rs.40,444/- per Acre. The enhancement is thus slightly more than four times.

7. The learned AGP vehemently argued the appeal. He submits that the learned Reference Court has wrongly granted the compensation. There was no satisfactory evidence on record to come to the conclusion that the compensation awarded by the learned SLAO is not fair and adequate. He thus prays for allowing the appeal by setting aside the impugned Judgment and Award.

8. This Court has gone through the impugned Judgment and Award, the Reference Court also relied upon the evidence of power of attorney holder for claimant, who proved sale instances dated 11th April 1984 at Exh.69. In the said sale instance, the consideration shown was Rs.33,704/- per Acre. The total consideration for the land was Rs.45,000/-. The learned Court therefore added 10% increase in the market rate every year and awarded rate.

9. This Court finds that comparable sale instance is of 1984. The Court has rightly awarded the compensation. This Court does not find any illegality in the order passed by the learned Reference Court. There is no merit in the first appeal. The first appeal therefore deserves to be

dismissed. No order as to costs.

10. In view of dismissal of First Appeal, pending Civil Applications, if any, do not survive and same stand disposed off.

[KISHORE C. SANT, J.]