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23-FA-3027-2011

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 FIRST APPEAL NO. 3027 OF 2011

The State Of Maharashtra And Anr
VERSUS
Mathurabai Udhavrao Mukkawar And Ors.
WITH
CIVIL APPLICATION NO. 2185 OF 2024
IN X-OBJST/27614/2011
WITH
CIVIL APPLICATION NO. 2186 OF 2024
IN X-OBJST/27614/2011
WITH
X-OBJECTION (STAMP) NO. 27614 OF 2011
IN FA/3027/2011

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

Mr. H. B. Nandgawale h/f Mr. V. G. Sakolkar, Advocate for Respondent
Nos. 1 to 5.

CORAM : KISHORE C. SANT, J.

DATE : 29th JULY 2025.

PC :-

1. This appeal arises out of judgment and award passed by the learned CJSD, Ahmadpur dated 17th April 2008 passed by the learned Civil Judge Senior Division, Ahmedpur, in LAR No. 680 of 2006. By way

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of said judgment and award, the learned CJSD has enhanced the amount of compensation from Rs. 2090 per R to Rs. 5250 per R. The appeal is therefore filed by the State.

2. Heard the learned AGP and learned Advocate for Respondent-claimant.

3. The present case is identical to the First Appeal No.3028 of 2011 which is decided by this Court vide order dated 9th July 2025. These matters also arise out of the same land acquisition proceeding. The learned Advocate for the respondent relied upon the order passed by this Court in First Appeal No. 3028 of 2011.

4. The learned AGP submits that the learned Reference Court has failed to appreciate that the learned SLAO has rightly determined the amount of compensation by considering the sale instances, market rate etc.

5. The learned Advocate for the claimants opposed the appeal. He submits that even the learned Reference Court has not awarded

adequate compensation and cross-objection has been filed seeking enhancement.

6. Considering that now the Government has framed policy of not preferring the appeal in case, amount of compensation is enhanced to less than four times of the amount awarded by the learned SLAO and in the cases, where the appeals are filed and same are withdrawn, said policy is given in the notification dated 3rd November 2016 and Corrigendum dated 23rd February 2017.

7. Considering above, this court finds that keeping the appeal pending would not serve any purpose. The appeal therefore stands disposed off, in view of the said notifications. No order as to costs.

8. Cross-objections be heard independently.

9. Pending applications, if any, stand disposed off.

[KISHORE C. SANT, J.]