



(This order is corrected as per speaking to the minutes order dated 14.11.2025)

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

903 FIRST APPEAL NO. 2980 OF 2025

**THE STATE OF MAHARASHTRA AND ANR
VERSUS
FULCHAND SANGAPPA HAWALE**

**WITH X-OBJECTION NO. 133 OF 2025 IN FA/2980/2025
WITH CIVIL APPLICATION NO. 14614 OF 2018 IN
FA/2980/2025 WITH CIVIL APPLICATION NO. 12215 OF 2025
IN FA/2980/2025**

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AGP for Appellants/State : Mr. S. V. Hange.
Advocate for Respondent : Mr. Shashikiran N. Patil.
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**CORAM : SHAILESH P. BRAHME, J.
DATE : 11.11.2025**

PER COURT :-

Civil Application No.12215 of 2025

1. The sole cross objector Fulchand Sangappa Hawale is passed away and his legal heirs are seeking substitution. Application is within limitation.
2. Civil application stands allowed in terms of prayer clause "C".
3. It is clarified that applicants shall be brought on record as heirs of original claimant in the cross objection as well as first appeal.

4. The parties shall be at liberty to carry out necessary amendment.

First Appeal and Cross Objection

5. Heard both sides finally with their consent.

6. Acquiring body has preferred appeal challenging common judgment and award dated 09.11.2012 passed by Reference Court in LAR. Nos.1 of 2005, 4 of 2007 and 539 of 2005. Cross objection is filed by the claimant in LAR No.539 of 2005 seeking enhancement.

7. Learned counsel for the claimant has brought to my notice order dated 10.10.2025 passed by Co-ordinate Bench in First Appeal No.2533 of 2021 as well as additional evidence which was sought to be produced vide Civil Application No.7955 of 2025. The application was allowed. It is submitted that on the ground of parity it is desirable to enhance the rate from Rs.1500/- per R. for non-irrigated land to Rs.7500/- per R.

8. Learned AGP submits that reliance cannot be placed on the order dated 10.10.2025 because it is not known as to whether any appeal was preferred by the State Government in

that case. The State has challenged the quantum in the present matter which needs to be addressed independently.

9. The anxiety and the submissions of learned AGP is genuine. In the present matter, the rate and the quantum is challenged by both the sides. It is not possible to rely upon order passed by the Co-ordinate Bench in First Appeal No.2533 of 2021. However, this Court cannot be oblivious of the additional evidence which was sought to be brought on record vide Civil Application No.7955 of 2025 which was allowed vide order dated 14.08.2025. The claimant has relied on elaborate and reasoned judgment dated 05.01.2018 passed in First Appeal No.2944 of 2013 awarding rate of Rs.7,500/- per R. for non-irrigated land. It is not disputed that acquisition of the land is for rehabilitation of earthquake affected persons of village Jevali.

10. In the present matter also notification under Section 4 was issued on 08.08.1996 and the award was passed on 06.12.1997. All aspects of the matter have been dealt with by the Co-ordinate Bench in great details. I have no hesitation to follow the same course and reasons. Hence, the following order :

ORDER

- (i) First Appeal No.2980 of 2025 is dismissed.
- (ii) Cross objection No.133 of 2025 is allowed partly with proportionate costs.
- (iii) The judgment and award passed by the Reference Court in L.A.R. No.539 of 2005 is hereby modified in the following manner :
 - a] Respondent shall pay to the claimant the compensation at the enhanced rate @ **Rs.15,000/- (Rupees Fifteen Thousand only) per Are** towards enhanced compensation.
 - b] Respondent shall pay the compensation to the claimant for the acquired land after deducting the amount already paid.
- (iv) The claimant is entitled for all the statutory benefits as awarded by the Reference Court.
- (v) Award be drawn up in terms of the modifications as aforesaid.
- (vi) First appeal accordingly disposed of.
- (vii) Pending civil application stands disposed of.

(SHAILESH P. BRAHME, J.)

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