



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

46 FIRST APPEAL NO. 3385 OF 2025

PARWATIBAI MADHAVRAO SHITOLE (DIED) THR. LRS.
SOJARBAI ASHOK SHITOLE AND ANR

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE
COLLECTOR, OSMANABD AND ANR

...

Advocate for Appellants : Mr. Ingale Vivekanand V.
AGP for Respondent/s-State : Mr. N. R. Dayma.

...

CORAM : SHAILESH P. BRAHME, J.
DATE : 18.12.2025

FINAL ORDER:-

1. Heard both sides finally with their consent.
2. Appellants are taking exception to the judgment and award dated 20.12.2016 passed in LAR.No.1273 of 2009. They are relying on the judgment dated 03.10.2024 passed in First Appeal No.1085 of 2020. On the ground of parity, they are claiming rate of Rs.20/- per Sq.Ft.
3. Learned AGP would submit that appellants are not entitled to claim enhancement on the ground of parity. The Reference Court has awarded compensation by considering the material on record which cannot be faulted.

4. I have gone through common judgment dated 03.10.2024 passed by Co-Ordinate Bench in First Appeal No.1085 of 2020. In that case also, land from village Kondajigad, Taluka Omerga, District Osmanabad was acquired and the rate was enhanced to Rs.20/- per Sq.Ft. In the present matter, land of the appellants from village Kondajigad was acquired for rehabilitation. The notification under Section 4 was issued on 07.07.1994. Then award was passed on 20.12.2016. The acquiring body did not prefer any proceeding to challenge rate granted by Reference Court in LAR.No.1273 of 2009. Besides that, the Co-ordinate Bench has also fixed the rate of Rs.20/- per Sq.Ft. Appellants are bound to succeed on the ground of parity. Hence, the following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) The appellants shall be entitled to receive rate of Rs.20/- per Sq.Ft.
- (iii) Appellants shall be entitled to interest under Section 28 and 34 from the date of award as per law laid down in the judgment of Full Bench in case of ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]***.
- (iv) Appellant shall not be entitled for interest and statutory benefits for the delayed period.

- (v) Save and Except. Rest of the impugned judgment and award shall remained unaltered.
- (vi) The appellants shall pay deficit court fees, if any.
- (vii) Award be drawn accordingly.
- (viii) Record and proceeding be sent back to the concerned Court.

(SHAILESH P. BRAHME, J.)

...

vmk/-