



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 538 OF 2019

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS

BAJIRAO KONDIBA NIMASE

...

A.G.P. for Appellants : Mr. B.A. Shinde

Advocate for Respondent : Mr. Shoyab Shaikh h/f Mr. Nimbalkar Aniruddha
A.

...

AND

FIRST APPEAL NO. 540 OF 2019

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS

BALBHIM LAXMAN NIMSE

...

A.G.P. for Appellants : Mr. B.A. Shinde

Advocate for Respondent : Mr. Shoyab Shaikh h/f Mr. Nimbalkar Aniruddha
A.

...

AND

FIRST APPEAL NO. 541 OF 2019

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS

KISAN DAGADU NIMSE DEAD MANDAKINI AND ORS

...

A.G.P. for Appellants : Mr. B.A. Shinde

Advocate for Respondent Nos. 1A to 1D, 2 & 3 : Mr. Shoyab Shaikh

...

AND

FIRST APPEAL NO. 542 OF 2019

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS

MANJABAPU DHONDIBA NIMSE AND OTHERS

...

A.G.P. for Appellants : Mr. B.A. Shinde

Advocate for Respondent Nos. 1 to 3 : Mr. Shoyab Shaikh h/f Mr. Nimbalkar
Aniruddha A.

...

AND
FIRST APPEAL NO. 544 OF 2019

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
MAHADEV SAHEBRAO NIMSE AND ANR.

...
A.G.P for Appellants : Mr. B.A. Shinde
Advocate for Respondent Nos. 1 and 2 : Mr. Shoyab Shaikh

...
AND
FIRST APPEAL NO. 545 OF 2019

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
SHIVAJI CHIMAJI NIMSE AND OTHERS

...
A.G.P for Appellants : Mr. B.A. Shinde
Advocate for Respondent Nos. 1 and 2 : Mr. Shoyab Shaikh h/f Mr. A.A.
Nimbalkar

...
AND
FIRST APPEAL NO. 546 OF 2019

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
KESHAV KISAN NIMSE

...
A.G.P for Appellants : Mr. B.A. Shinde
Advocate for Respondent : Mr. Shoyab Shaikh h/f Mr. A.A. Nimbalkar

...
AND
FIRST APPEAL NO. 547 OF 2019

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
KESHAV KISAN NIMSE

...
A.G.P for Appellants : Mr. B.A. Shinde
Advocate for Respondent : Mr. Shoyab Shaikh h/f Mr. A.A. Nimbalkar

...
AND
FIRST APPEAL NO. 548 OF 2019

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS

SAHEBRAO KISAN NIMSE.

...

A.G.P for Appellants : Mr. B.A. Shinde
Advocate for Respondent : Mr. Shoyab Shaikh

...

FIRST APPEAL NO. 683 OF 2018

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS

SINDHU RAOSAHEB NIMSE AND OTHERS

...

A.G.P for Appellant : Mr. B.A. Shinde
Advocate for Respondent nos. 1 to 7 : Mr. Shubham K. Shinde h/f Mr. R.V.
Gore

...

AND

FIRST APPEAL NO. 684 OF 2018

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS

PANDURANG RANU NIMSE

...

A.G.P for Appellant : Mr. B.A. Shinde
Advocate for Respondent : Mr. Shubham K. Shinde h/f Mr. R.V. Gore

...

AND

FIRST APPEAL NO. 685 OF 2018

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS

BAHIRU DHONDIBA NIMSE

...

A.G.P for Appellant : Mr. B.A. Shinde
Advocate for Respondent : Mr. Shoyab Shaikh h/f Mr. Nimbalkar A. A.

...

AND

35 FIRST APPEAL NO. 686 OF 2018

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS

DNYANESHWAR RAMDAS NIMSE AND OTHERS

...

A.G.P for Appellant : Mr. B.A. Shinde
Advocate for Respondent nos. 1 to 3 : Mr. Shoyab Shaikh h/f Mr. Nimbalkar
Aniruddha A.

...
AND
FIRST APPEAL NO. 687 OF 2018

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS
SUDAM RANU NIMSE AND OTHERS

...
A.G.P for Appellants : Mr. B.A. Shinde
Advocate for Respondent nos. 1 to 4 : Mr. Shubham K. Shinde h/f Mr.
R.V. Gore

...
AND
FIRST APPEAL NO. 688 OF 2018
THE STATE OF MAHARASHTRA AND OTHERS

VERSUS
SADASHIV KHIRUJI NIMSE DEAD THR. L.RS. PRAKASH AND OTHERS

...
A.G.P for Appellants : Mr. B.A. Shinde
Advocate for Respondent nos. 1A to 1C : Mr. Shoyab Shaikh h/f Mr.
Nimbalkar Aniruddha A.

...
AND
FIRST APPEAL NO. 689 OF 2018

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS
SUNDAR BABA NIMSE DEAD THR. LRS. ALKA SUNDAR AND OTHER

...
A.G.P for Appellants : Mr. B.A. Shinde
Advocate for Respondent nos. 1A to 1C and 2 to 9: Mr. Shoyab Shaikh
h/f Mr. Nimbalkar Aniruddha A.

...
AND
FIRST APPEAL NO. 690 OF 2018

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS
LIMBRAJ DAGADU NIMSE AND OTHERS

...

A.G.P for Appellants : Mr. B.A. Shinde
Advocate for Respondent no. 1 and 2 : Mr. Shoyab Shaikh h/f Mr.
Nimbalkar Aniruddha A.

...

AND

FIRST APPEAL NO. 691 OF 2018

THE STATE OF MAHARASHTRA AND OTHERS

VERSUS

RAMDAS KISAN NIMSE

...

A.G.P for Appellants : Mr. B.A. Shinde
Advocate for Respondent : Mr. Shoyab Shaikh h/f Mr. Nimbalkar
Aniruddha A.

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 14.10.2025

PER COURT :

First Appeal nos. 538/2019, 540/2019, 541/2019, 542/2019, 544/2019, 545/2019, 546/2019, 547/2019 and 548/2019, are not on board. Taken on board, on mentioning.

2. Heard both sides finally.

3. The issue involved in the first appeals is no more *res integra*. Considering the earlier decision rendered by the coordinate benches, I propose to decide the appeals by common order.

4. The reference Court decided in all 28 references by a common judgment and order dated 08.04.2015, enhancing the compensation. Feeling aggrieved, appellants preferred distinct appeals. Few of the appeals were already decided by the coordinate benches. First Appeal No. 3715/2017 has been decided first in time along with other two appeals vide judgment dated

18.09.2017. It was arising out of L.A.R. No. 44/2010, 54/1010 and 110/2011. The self-same impugned judgment was considered by the coordinate benches and the appeals were dismissed on merits. The judgment is further followed by other coordinate benches in orders dated 01.07.2024, 06.08.2024, 17.10.2024. The left out appeals are for consideration before this bench.

5. The learned A.G.P. has tendered on record a chart prepared by him disclosing material particulars of the references. The learned A.G.P. submits that enhancement granted by the reference Court is exorbitant and unreasonable. The sale instances considered by the reference Court are not relevant. The reference Court has committed error of jurisdiction in awarding the compensation and impugned judgment is liable to be quashed.

6. Learned counsel for the respondents-claimants supports the impugned judgment. Reliance is placed on the earlier judgments and orders passed by the coordinate benches. It is submitted that on the ground of parity the appeals are liable to be dismissed. It is further pointed out that enhancement is within four times and appeals are squarely covered by the Government resolution dated 03.11.2016.

7. I have gone through the first judgment delivered on 18.09.2017 in First Appeal No. 3715/2017 and connected appeals. In that case also identical submissions were pressed into service by the appellants as well as respondents. By a reasoned order it was held that the sale instance considered by the reference Court is reasonable and no fault was found in the awarding the compensation. By a reasoned order, the appeals were dismissed. The judgment is followed in further appeals also by other coordinate benches. All those orders are placed on record. I find that on the ground of parity the present appeals are bound to fail.

8. In all these matters, notification under Section 4 was issued on 03.02.2005 and award was passed on 05.05.2008. The sale instances cited

by the parties and treated to be comparable by the reference Court are common. I do not find that there is any impediment in relying upon the judgment dated 18.09.2017 passed in First Appeal No. 3715/2017 and connected appeals. I do not find any merit in the submission of learned A.G.P. The appeals are liable to be dismissed.

9. It is brought to my notice that the enhancement granted by the reference Court is within four times. All the appeals are squarely covered by the Government resolution dated 03.11.2016 except the enhancement granted in First Appeal No. 683/2018. In that case the enhancement is slightly above four times.

10. In view of above, first appeals are dismissed. There shall be no order as to costs.

11. The respondents/claimants are entitled to withdraw the amount with accrued interest deposited by the appellants and which has not been disbursed

(SHAILESH P. BRAHME, J.)

mkd/-