

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 657 OF 2022

Maruti Sambhaji Shirwal & ors. ..Appellants

Versus

The Land Acquisition Officer No. 3, Pune & ors. ..Respondents

**WITH
INTERIM APPLICATION NO. 15891 OF 2024
IN
FIRST APPEAL NO. 657 OF 2022**

Hanumant Sambhaji Shirwale ..Applicant

IN THE MATTER BETWEEN

Maruti Sambhaji Shirwal & ors. ..Appellants

Versus

The Land Acquisition Officer No. 3, Pune & ors. ..Respondents

Ms. Amrita Kharkar i/b. P. H. Potnis, Advocates, for the Applicant
Mr. A. R. Patil, Addl. GP, for the Respondent - State

CORAM : RAJESH S. PATIL, J.

DATE : 08.10.2025

P. C.

INTERIM APPLICATION NO. 15891 OF 2024

1. This is an Application for amendment of the First Appeal, seeking enhanced compensation.

2. Heard learned Counsel for both the parties.
3. The Supreme Court in the decision of ***Ambya Kalya Mhatre (Dead) through Lrs and others vs. State of Maharashtra***, reported in ***(2011) 9 SCC 325***. Paragraph Nos.12, 22, 26 and 28 read as under:-

“12. During the pendency of the special leave petition, the issue whether the Reference Court can permit a claimant to amend his claim so as to increase the compensation claimed, came up for consideration before a Full Court of the Bombay High Court in State of Maharashtra v. Sitaram Narayan Patil. The Full Court overruled the impugned judgment dated 11-11-2008 which is reported in State of Maharashtra v. Ambya Kalya Mhatre and held that a claimant whose land is acquired, can be allowed to amend his claim application so as to enhance the compensation claimed in an application for reference under Section 18 of the Act can be allowed before the Reference Court as well as at the stage of an appeal in the High Court arising out of the decision of the Reference Court.

22. As the Act does not require the person aggrieved/landowner specify the amount of compensation sought, when objecting to the amount of compensation and seeking a reference, mentioning of the amount of compensation sought is optional. As there is no obligation to specify the amount in the application for reference, it can be specified in the claim statement filed before the Reference Court. The period of limitation in Section 18 of the Act has nothing to do with specifying the amount of compensation claimed. It therefore follows that if the reference is in regard to objection to the amount of compensation, the Reference Court can permit any application for amendment of the claim relating to compensation.

26. When the reference is received, the court causes notice specifying the date of hearing for determining the objection of the landowner/person aggrieved (Section 20 of the Act). The Reference Court has to call upon the claimants to file their statement of claim and call upon the Collector to file his objections to the claim statement and then proceed with the matter. Where the application under Section 18 contains the necessary particulars, the Reference Court may treat the application for reference under Section 18 and the Collector's statement under Section 19 of the Act as the pleadings. The landowner is entitled to specify the amounts claimed by him as compensation and the heads of compensation for the first time in such claim statement before the Reference Court. He can also file an application amending the claim. What is not permitted

after the expiry of the period of limitation specified in Section 18 of the Act, is changing the nature of objections from one category to another. If the reference had been sought with reference to objection to amount of compensation, the landowner cannot after the period of limitation, seek amendment to change the claim as objection to measurement or objection to apportionment.

28. The compensation depends upon the market value established by evidence and does not depend upon what the landowner thinks is the value of his land. If he has an exaggerated notion of the value of the land, he is not going to get such amount, but is going to get the actual market value. Similarly, if the landowner is under an erroneous low opinion about the market value of his land and out of ignorance claims lesser amount, that cannot be held against him to award an amount which is lesser than the market value. When the Act does not require the landowner to specify the amount of compensation, but he voluntarily mentions some amounts, and subsequently, if the market value is found to be more than what was claimed, the landowner should get the actual market value. We fail to see why the landowner should get an amount less than the market value, as compensation. Consequently, it follows that if the landowner seeks amendment of his claim, he should be permitted to amend the claim as and when he comes to know about the true market value. When the Act is silent in regard to these matters to impose any condition to the detriment of an innocent and ignorant landowner who has lost his land would be wholly unjust."

(Emphasis supplied)

4. After hearing both the parties, I am convinced that a case is made out to allow the Application.
5. The Interim Application is allowed in terms of **prayer clauses (A) & (B)** and disposed of. Amendment to be carried out within a period of four weeks from today.

FIRST APPEAL NO. 657 OF 2022

1. Heard.
2. **Admit.**

3. Soft copy of R & P be sent by the trial Court to the High Court within 4 weeks from today. Original R & P should be preserved by the trial Court till further orders of this Court. Original R & P to be sent to the High Court when called for.

(RAJESH S. PATIL, J.)