

MJ Jadhav

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

INTERIM APPLICATION NO. 3449 OF 2025

IN

CROSS OBJECTION (ST) NO. 2450 OF 2025

IN

FIRST APPEAL NO. 268 OF 2025

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Birdichand Bhurchand Banthiya Dec. Thr. Lrs. ... Applicants
1a Verdhabai Birdichand Banthiya And Ors.

Vs.

The State Of Maharashtra (Thr. The Dy. ... Respondent
Collector (Land Acquisition))

Ms. Deepa Punde i/b Sachin Punde for the Applicants.

Mr. D. J. Haldankar, AGP for the Sate.

CORAM : GAURI GODSE, J.

DATED : 19th SEPTEMBER 2025

ORDER:

1. This application is filed by the claimants. The first appeal is already admitted.

2. The claimants filed a cross objection seeking enhancement of compensation at the rate of Rs.565/- per square meter. By this application, the claimants seek leave to amend the claim of compensation at the rate of Rs.1,865/- per square meter.

3. Learned counsel for the applicant submits that the rate of Rs.700/- per square meter was claimed in the land acquisition reference. The reference Court has granted Rs.135/- per square meter. She submits that at the time of filing cross objection, the claimants prayed for an enhancement at the rate of Rs.565/- per square meter and have paid Court fees with reference to the enhancement claimed in the cross objection. She submits that in view of the limited source of income, the applicants were unable to arrange for the payment of Court fees. However, now the applicants have arranged for the payment of Court fees towards the additional enhancement to claim higher rate. She therefore seeks leave to amend the cross objection.

4. To support her submissions, learned counsel for the applicants relies upon the decision of the full bench of this Court in the case of ***State of Maharashtra Vs. Sitaram Narayan Patil***¹ and the decision of Hon'ble Apex Court in the case of ***Ambya Kalya Mhatre Vs. State of Maharashtra***². She submits that in view of the well-settled legal principles, the applicants be permitted to amend the cross objection. She states that the applicants may be granted time to pay deficit Court fees after amendment is carried out.

5. Learned AGP submits that if the amendment is allowed,

¹ 2010(2) Mh.L.J.] 387

² (2011) 9 Supreme Court Cases 325

additional evidence may be necessary in support of the amended claim.

6. I have perused the papers. In view of the well-settled legal principles in the decisions relied upon by the learned counsel for the applicants, I do not see any impediment in granting the prayer for amendment. As held by the Hon'ble Apex Court, subject to payment of additional Court fees, the applicants can be permitted to carry out amendment in the cross objection.

7. In the facts and circumstances of the case and for the reasons stated in the application, the application is allowed in terms of prayer clause (a).

8. Amendment shall be carried out within three weeks from today.

9. It is clarified that this amendment is allowed subject to the applicant's making payment towards the deficit Court fees in view of the amendment. Necessary Court fees shall be paid within four weeks from the date of carrying out amendment.

10. Interim Application is allowed in the aforesaid terms.

(GAURI GODSE, J.)