



**SIN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**FIRST APPEAL NO.482 OF 2010**  
**WITH**  
**CROSS-OBJECTION ST. NO.28253 OF 2025**

**FIRST APPEAL NO.482/2010**

Vidarbha Irrigation Development Corporation,  
through its Executive Engineer, Medium  
Project Division, Irrigation Colony,  
Civil Lines, Nagpur. .. Appellant  
(Original NA No.3)

..Versus..

Appeal is  
abated  
against R-1  
vide R (J)  
order  
dtd.9.7.2024.

1. [Champhan @ Champat s/o Parnaji] Abated  
Rakshit, Aged about 74 years,  
Occupation-Agriculturist,  
R/o. Mendhki, Tahsil-Katol,  
Distrrict-Nagpur. .. (Original claimant)

L.Rs of Respondent No.1.

Amendment  
carried per  
court order  
dated  
19/11/2025

- (i) Anil s/o Champat Rakshit,  
Aged about 53 years,  
Occupation-Agriculturist,  
R/o. Mendki, Post-Sonoli,  
Tq. Katol, Dist. Nagpur.
- (ii) Pramod s/o Champat Rakshit,  
Aged about 51 years,  
Occupation-Agriculturist.  
R/o. Mendki, Post-Sonoli,  
Tq. Katol, Dist. Nagpur.
2. The State of Maharashtra,  
Through the Collector, Nagpur. . (Original NA No.1)

3. The Special Land Acquisition Officer,  
Minor Irrigation Work, Nagpur..  
(Original N.A. No.2)  
.. Respondents

**WITH**

**CROSS-OBJECTION ST.NO.28253/2025**

Vidarbha Irrigation Development Corporation,  
through the Executive Engineer, Medium  
Project Division, Irrigation Colony,  
Civil Lines, Nagpur. .. Appellant

.. Versus ..

1. Champhan @ Champat s/o Parnuji  
Rakshit (Dead) through Lrs.
- 1.(i) Anil s/o Champat Rakshit,  
Aged about 53 years,  
Occupation-Agriculturist,
- 1.(ii) Pramod s/o Champat Rakshit,  
Aged about 51 years,  
Occupation-Agriculturist.

Both R/o. Mendki, Post-Sonoli,  
Tq. Katol, Dist. Nagpur.

2. The State of Maharashtra,  
Through Collector, Nagpur.  
Dist. Nagpur.
3. Special Land Acquisition Officer,  
Minor Irrigation Work, Nagpur. Respondents

Shri J.B. Kasat, Advocate for Appellant.  
Shri C.R. Najbile, Advocate Respondent No.1 (i) to (ii),  
Shri S.C. Joshi, AGP for Respondent Nos.2 and 3.

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**CORAM : PRAVIN S. PATIL, J.**  
**DATED : 17.12.2025.**

### **JUDGMENT**

1. In the present appeal and cross-objection the challenge is to the judgment and order passed by the 2<sup>nd</sup> Joint Civil Judge, Senior Division, Nagpur in Land Acquisition Case No.81/2001 whereby the learned Reference Court has awarded the compensation of Rs.4,000/- per tree to 82 big orange trees and Rs.2,500/- per tree for 43 small orange trees and Rs.700/- per lime trees along with statutory benefits.

2. This court is deciding by common judgment appeal as well as the cross-objection. Hence, for the convenience, the VIDC is referred as appellant and claimants are referred as respondents.

3. It is undisputed fact that the respondents owned and was in possession of land Survey No.72/4, ad-measuring 0.50 R situated in village Khairi, Tahsil-Katol, District-Nagpur. The

State Government, vide its Notification dated 22.1.1998 for the Project of Chikhali Nala acquired the land owned by the respondents. In the said land acquisition proceeding, the Land Acquisition Officer, by his award dated 10.3.2000, has awarded the compensation of Rs.39,500/- per hectare towards the land and Rs.2,08,708/- towards fruit trees.

4. The respondent, being dissatisfied with the compensation awarded towards the fruit trees, preferred the reference before the Civil Judge, Senior Division. Before the reference, the respondent has discharged his initial burden by entering into the witness box and to prove the correct market value of the fruit bearing trees, has also examined the Valuer in the matter. As such, according to the respondent, he has established that he is entitled for enhancement of the compensation.

5. The present appellant has also examined the Special Land Acquisition Officer before the Reference Court to demonstrate the fact that the valuation done by him towards the fruit bearing trees was proper and correct.

6. On the basis of this evidence available, the Reference Court, by the impugned judgment dated 23.9.2009 decided the reference and thereby assessed the value of orange trees Rs.4,000/- per tree for big orange trees and Rs.2,500/- per tree for small orange trees.

7. During the course of argument, both the counsels have pointed out that the real brother of the respondents namely Shyamrao s/o Parnuji Rakshit and Umrao Parnuji Rakshit, who were having adjacent land and also the fruit bearing trees in their field, approached before this court for enhancement of compensation. It is pointed out that their land was also acquired from same land acquiring proceeding. This court has considered their grievance in First Appeal No.477/2010 with Cross-Objection No.66/2019 and First Appeal No.29/2011 with Cross-Objection No.65/2021 and by the judgment dated 3.12.2025 held that they are entitled for the compensation of Rs.5,000/- per tree for big orange trees and maintained the compensation of Rs.2,500/- per tree for small orange trees.

8. The perusal of the entire record shows that under the same Notification issued by the State Government and for same project adjoining land was acquired. This Court accordingly on the basis of evidence made available has reached to the conclusion that the brothers of the respondents are entitled for the compensation for big orange trees at the rate of Rs.5,000/- per tree. Hence, by applying the rule of parity and the fact that judgment delivered by this Court is not under challenge before the Hon'ble Supreme Court of India, Respondent is also entitled for same compensation in present appeal.

9. In the circumstances, I am of the considered opinion that in the present case also the respondents are entitled for the compensation of Rs.5,000/- per big orange trees and amount awarded to the small orange trees is to be maintained. Hence, I proceed to pass the following order :

#### O R D E R

(1) First Appeal No.482/2010 is dismissed, whereas Cross-Objection St. No.28253/2025 is partly allowed.

(2) The judgment and order passed by the 2<sup>nd</sup> Joint Civil Judge, Senior Division, Nagpur in Land Acquisition Case No.81/2001, dated 23.9.2009 is modified to the extent that for 82 big orange trees, the cross-objectors are entitled for the

compensation of Rs.5,000/- per tree.

(3) The rest of the judgment is confirmed.

(4) The Acquiring Body is directed to deposit the enhanced amount within a period of six months.

(5) It is further made clear in view of order on application for condoning the delay, cross-objectors will not be entitled for the interest for the period of delay of 4742 days.

(6) Cross-objectors are permitted to withdraw the amount after deposit of the same, subject to satisfaction of Registrar (Judicial).

**(Pravin S. Patil, J.)**