IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
942 CIVIL APPLICATION NO. 1460 OF 2026
IN RC/778/2017

Dnyanoba Nivratti Kavhale Died Through Legal Repr. Gangubai And Anr.
VERSUS
The Special Land Acquisition Officer M.i.w. Jalna And Others.

WITH
FIRST APPEAL (ST.) NO.13758 OF 2015

Dnyanoba Nivratti Kavhale Died Through Legal Repr. Gangubai And Anr.
VERSUS
The Special Land Acquisition Officer M.i.w. Jalna And Others.

...

Mr. Sachin Bhalerao h/f Mr. A. B. Kale for the Applicants.
Mr. S. N. Morampalle, AGP for State.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 22 OCTOBER 2026

P. C.:

Order in Civil Application:-

1. This Application is filed for restoration of First Appeal (St.) No.13758/2015 and setting aside order dated 13th June 2017, passed by Registrar (Judicial) rejecting the case.

2. Learned counsel for the Applicants submits that pursuant to the order passed by this Court on 22nd April 2026 (Coram: Sanjay A. Deshmukh, J.) in Civil Application No.2900 of 2025, the Applicants have removed the office objections.

3. As regards the legal heirs are concerned, the learned counsel submits that the Applicants have applied for getting legal heirship certificate before the Civil Court and those proceedings are pending.

4. As far as the First Appeal (St.) No.13758/2015 is concerned, the delay is already condoned by this Court vide order dated 22nd April 2026 (Coram: Sanjay A. Deshmukh, J.). It is clarified that the claimants shall not be entitled to claim statutory benefit and interest for the delayed period from 23rd November 2008 till today. The said period of delay is calculated after excluding statutory period of 90 days fixed for filing First Appeal.

Order in First Appeal (St.) No.13758 of 2015:-

5. The First Appeal is not on board. Upon mentioning, taken on board.

6. By this Appeal, the claimants are assailing the judgment and award dated 22nd August 2008, passed by the learned District Judge-I, Jalna in LAR No.37/2001.

7. The land of the claimant from village Kedarwakdi, Tq. Mantha, Dist. Jalna was acquired for Nimn Dudhna Project. This Court in First Appeal No.458/2019 decided on 30th March 2026 arising out of same project, has granted compensation @Rs.1200/- per R for potkharab land, Rs.2400/- per R for dry land, Rs.3600/- per R for semi irrigated land and Rs.4800/- per R for irrigated land.

8. Therefore, I find no reason to take a different view in the present Appeal. Thus, the claimants are entitled to the rate as aforesaid. Hence, I

pass the following order:-

ORDER

i. The present Appeal filed by the claimants is partly allowed.

ii. The judgment and award dated 22nd August 2008, passed by the learned District Judge-I, Jalna in LAR No.37/2001 is modified to the extent that the Claimants are entitled to receive the rate of Rs.1200/- per R for potkharab land, Rs.2400/- per R for dry land, Rs.3600/- per R for semi irrigated land and Rs.4800/- per R for irrigated land.

iii. The claimants are entitled to all statutory benefits as per the provisions of the Land Acquisition Act, 1894 and interest under Sections 28 and 34, as the case may be, as per the law laid down by Full Bench of this Court in ***State of Maharashtra Vs. Kailash Shiva Rangari*** (2016(3) Mh.L.J. 457).

iv. Rest of the award passed by the learned Reference Court remains unaltered.

v. Modified award be drawn accordingly.

vi. Deficit Court fee be paid.

vii. The claimants shall not be entitled to claim statutory benefit and interest for the delayed period from 23rd November 2008 till today.

viii. Pending civil applications, if any, are also disposed of.

[SIDDHESHWAR S. THOMBRE, J.]