IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 FIRST APPEAL NO. 2774 OF 2009
WITH
CIVIL APPLICATION NO.12828 OF 2026 IN FA/2774/2009

Shro Nosherji Jahangir Parshi
VERSUS
The State Of Maharashtra And Another

.....

Mr. A.B. Kale, Advocate for the Appellant
Mr. S.S. Dane, AGP for Respondent No.1-State

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 30 OCTOBER, 2026

PER COURT :

ORDER IN CIVIL APPLICATION :

1. The present Civil Application is filed for bringing the legal heirs of the deceased original claimant Noshir Jahangirji Adjania and applicant No.2 Tehmul Jahagirji Adjania on record by condoning the delay of 3782 and 1614 days by setting aside the order of abatement, if any.

2. For the reasons stated in the application, the Civil Application deserves to be allowed in terms of the prayer clauses B to E. Amendment to be carried out accordingly.

ORDER IN FIRST APPEAL :

3. Heard the learned counsel for the respective parties.

4. By the present appeal, the claimants have challenged the Judgment

and Award dated 28.07.2009 passed by the learned Civil Judge, Senior Division, Jalgaon, in Land Acquisition Reference No.1491 of 1998, in respect of the acquisition of claimants' land for National Highway No.6 from the village Paldhi, Taluka Erandol, District Jalgaon.

3. Learned counsel for the Appellants-claimants submits that this Court has already decided the appeal arising out of the same project and the common impugned Judgment and Award. By order dated 23.10.2026 passed in First Appeal Nos.2780 of 2009 and 2773 of 2009, the appeal filed by the appellants-claimants therein was partly allowed and enhanced the compensation in their favour. However, the present appeal was left out. The learned A.G.P. for State fairly concedes the aforesaid position.

4. Having considered the submissions advanced by the learned counsel for the respective parties, and in view of the admitted position that the controversy involved in the present appeal is identical to the one decided by this Court in First Appeal Nos.2780 of 2009 and 2773 of 2009 by order dated 23.10.2026, I see no reason to take a different view. The present appeal, therefore, deserves to be disposed of in terms of the said order. Hence, the following order:

ORDER

(I) The impugned Judgment and Award does not warrant interference in the present appeal.

(II) The First Appeals is dismissed.

(III) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane