IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 FIRST APPEAL NO. 2600 OF 2015

Nagorao Harnaji Jaiwal And Others
VERSUS
The State Of Maharashtra And Another

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Mr. D.A. Bide, Advocate h/f Mr. C.K. Sonawane, Advocate for Appellants-Claimants
Mr. D.R. Korde, AGP for Respondents No.1 and 2

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 23 OCTOBER, 2026

PER COURT :

1. Heard the learned counsel for the respective parties.

2. By the present appeal, the appellants-State has challenged the Judgment and Award dated 26.04.2013 passed by the learned 2nd Joint Civil Judge, Senior Division, Aurangabad, in Land Acquisition Reference No.538 of 2005, in respect of the acquisition of claimants' land for the purpose of Percolation Tank No.7 at Kaygaon.

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 12.10.2026 passed in First Appeal No.2601 of 201, 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 No.2601 of 2013 by order dated 12.10.2026, 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 First Appeal is partly allowed.

(ii) The Judgment and Award dated 26.04.2013 passed by the learned 2nd Joint Civil Judge, Senior Division, Aurangabad, in Land Acquisition Reference No.538 of 2005.

(iii) The Appellants-Claimants shall be entitled to all consequential statutory benefits and interest under the provisions of the Land Acquisition Act, 1894 on the enhanced compensation in view of the Judgment of Full Bench of this Court in the case of *The State of Maharashtra v. Kailash Shiva Rangari, 2016 (3) 457*.

(iv) The modified Awards shall be drawn accordingly.

(v) Rest of the Award passed by learned Reference Court remains unaltered.

(vi) Claimants to pay deficit Court fees, if any, on enhanced amount of compensation.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane