IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO. 7451 OF 2021
IN FAST/24227/2020
WITH
CIVIL APPLICATION NO. 7452 OF 2021
IN FAST/24227/2020
(arising out of L.A.R.No.233 of 2004)

THE EX. ENGINEER, IRRI. PRO. STRENGTHING (MAJBUTIKARAN) DIV. OMERGA AND ORS
VERSUS
MAHADEO MADOLLAPPA ULEKAR (DEAD) THR LRS PHULABAI M. ULEKAR
...
Mr. G. B. Rajale, Advocate for Applicants
Mr. Sanjay A. Wakure, Advocate for Respondent Nos.1A to 1E
...

CORAM : AJIT B. KADETHANKAR, J.
DATED : 14th October 2026

P.C. :-

CIVIL APPLICATION NO. 7451 OF 2021

. This application is filed seeking condonation of delay of 2558 days caused in filing the first appeal. The reasons for condonation of delay are explained in paragraph Nos.2 to 6 of the application. It is submitted that delay is not huge and has not arisen out of any lethargy or negligence. The reason of administrative exigency is given in the application. It is also submitted that the acquiring body has even deposited entire

award amount in this Court.

2. For the reasons stated in the application and under the guidelines laid down by the Hon'ble Supreme Court in the case of ***Sheo Raj Singh (Deceased through LRs.) & Ors. V/s Union of India and ors. [Civil Appeal No.5867 of 2015 dtd.09-10-2023]***, I find that the application deserves to be allowed.

3. Hence I pass following order :

O R D E R

I. Civil Application is allowed.

II. Delay of 2558 days caused in filing the first appeal stands condoned.

III. First Appeal be registered, subject to removal of office objections, if any.

FIRST APPEAL

4. Issue notice to the respondents. Mr. Sanjay A. Wakure, learned Advocate waives notice for respondent Nos.1A to 1E.

5. Taking exception to the impugned judgment and award dated 14.12.2012 passed by the learned 2nd Joint Civil Judge, Senior Division, Osmanabad in Land Acquisition Reference No.233 of 2004, the acquiring body has filed the First Appeal.

6. The subject matter land was acquired by the acquiring body for "Kalegaon Storage Tank" at Kalegaon and Arali(BK).

Section 4 notification was published on 11.12.1997 and Section 6 notification was published on 20.05.1999. The award was passed on 08.01.2002.

7. Feeling aggrieved by the deficit amount granted by the Special Land Acquisition Officer, the respondents/claimants have filed Land Acquisition Reference No.246 of 2004.

8. After hearing the parties, the Reference Court partly allowed the land acquisition reference and granted enhancement in compensation holding the claimants entitled to compensation at the rate of Rs.1,01,000/- per Acre. As against this, the acquiring body is before this Court.

9. When the matter is taken up for hearing, Mr. G. B. Rajale, learned Advocate for the acquiring body, in all fairness, places before this Court a copy of order dated 16.07.2026 passed by this Court in group of First Appeals led by First Appeal No.1200 of 2017 which was corrected vide speaking to the minutes of order dated 28.07.2026. The said copy is taken on record and marked as Annexure “X” for identification.

10. Mr. Rajale submits that the cited matters arise out of the same land acquisition proceedings which are subject matter of

the present appeal. He would further submit that in very identical circumstances, this Court partly allowed the appeals filed by the same acquiring body. He submits that he himself has argued those matters before this Court in the said group of appeals. Thus, he fairly submits that on the backdrop of these facts, present appeal may also be disposed of, however by modifying the interest part.

11. I have gone through the text of the order cited supra passed by this Court. Having regard to the fact that the present appeal arises out of the same land acquisition proceedings, I have no reason to disagree with the view taken by this Court in First Appeal No.1200 of 2017(supra), subject to modification of interest part. In view of this, present appeal deserves to be partly allowed.

12. Hence, I pass following order :

O R D E R

I. The First Appeal is partly allowed.

II. The judgment and award passed by the learned Reference Court stands maintained.

III. The amount deposited by the acquiring body is permitted to withdraw by the respondents/claimants. Any security, if already

given, stands discharged.

IV. The interest part shall be governed by the law laid down by the Full Bench judgment in the case of ***State of Maharashtra v. Kailash Shiva Rangari,*** reported in ***2016 (4) ALL MR 513***.

V. While disbursing the amount, the Registry shall calculate the interest part in view of ***Kailash Shiva Rangari*** (supra).

VI. The Acquiring body is entitled for refund of such amount if found excess deposited.

VII. Pending Civil Applications, if any, stand disposed of.

(AJIT B. KADETHANKAR, J.)

PRW