IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 FIRST APPEAL NO. 1396 OF 2010

THE STATE OF MAHARASHTRA AND ORS
VERSUS
RUKMINBAI BHIMRAO YEVATE
...
AGP for Appellants/State : Mr. D.R. Korde
Advocate for Respondent/claimant : Mr. V.V. Ingale
...
WITH
X-OBJECTION (STAMP) NO. 24023 OF 2011 IN FA/1396/2010
WITH
CIVIL APPLICATION NO. 4159 OF 2010 IN FA/1396/2010
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : October 27, 2026

PER COURT :-

1. Heard the learned counsel for the respective parties.

2. The present appeal arises out of the Judgment and Award dated 29.8.2008 passed by the learned Jt. Civil Judge, Senior Division, Omerga, in LAR No. 103/2005 (Old No. 231/1997). The claimant has also filed cross objection seeking further enhancement.

3. The land of the claimant situated at Talmod, Tq. Omerga, Dist. Osmanabad was acquired for submergence of Kolsur Medium Project, Kolsur by issuing notification under section 4 of the Land Acquisition Act and possession was taken in the month of September 1991.

4. The learned counsel for the claimant has tendered across the Bar a

copy of the judgment and order dated 25.08.2026 passed by this Court in FA No.1391/2010 (The State of Maharashtra and Anr. Vs. Sidram Shankarya Swami) and other connected matters. He submits that the land of the claimant was acquired from the same village, for the same public purpose, and under the very same notification as involved in the said appeal. It is, therefore, contended that the controversy involved in the present appeal is squarely covered by the judgment and order in FA No. 1391/2010 (supra) and consequently, the present appeal deserves to be disposed of in terms thereof. The learned A.G.P. appearing for State fairly concedes the aforesaid position.

5. 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 FA No. 1391/2010 (supra), I see no reason to take a different view. The present appeal, therefore, deserves to be disposed of in terms of the said judgment and order. Hence, the following order:

O R D E R

I. The First Appeal filed by the State is partly allowed.

II. The cross objection filed by the claimant is partly allowed.

III. The impugned judgment and award is modified to the extent that the claimant is entitled to receive compensation @ Rs.2142/- per R. for her acquired land.

IV. The claimant is entitled to receive all statutory benefits including interest under Sections 28 and 34 of the Act as per the law laid down by Full Bench judgment of this Court in **State of Maharashtra v. Kailash Shiva**

Rangari, Mh.L.J. 457.

V. Rest of the award passed by the Reference Court remains unaltered.

VI. Modified award be drawn up accordingly.

VII. The claimant to pay the deficit court fees on enhanced amount of compensation.

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

(SIDDHESHWAR S. THOMBRE, J.)

ssc/