IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CIVIL APPLICATION NO. 12507 OF 2026
IN FA/1772/2018

Shahurao Dajiba Bagal Deceased Thr Lrs Kushavarta And Ors.
VERSUS
The State Of Maharashtra, Through Collector, Jalna And Ors. And Ors

WITH
FIRST APPEAL NO. 1772 OF 2018

Mr.A.H.Korhalkar, Advocate for applicants
Mr.S.N.Kendre, AGP for respondent nos.1 and 2
Mr.S.A.Mulla h/f. Mr.S.G.Karlekar, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : OCTOBER 23, 2026

ORDER :-

This application is filed seeking to amend the title clause of the appeal and the applications therein by incorporating the names of the present applicants as legal representatives of deceased – Shahurao s/o. Dajiba Bagal (sole claimant).

2. For the reasons stated in the application, the same is allowed. Delay condoned. Abatement, if any, stands set aside. The applicants/appellants are permitted to amend the title clause of the appeal and applications therein forthwith.

In First Appeal No.1772 of 2018:-

3. Feeling dissatisfied with the judgment and award dated 21.06.2012 passed by learned 3rd Joint Civil Judge, Senior Division, Jalna in L.A.R. No.1112 of 2010 (New) and L.A.R.No.418 of 2007 (Old), the appellants/claimants are before this court seeking enhancement.

4. The subject-matter land was acquired for Nimna Dudhana Project. The notification under Section 4 of the Land Acquisition Act was issued on 18.12.1997. The award was declared on 19.11.2001. The S.L.A.O. offered compensation at the rate of Rs.660/- per R and Rs.667/- per R for two pieces of lands. The Reference Court granted enhancement at the rate of Rs.2,000/- per R for dry land. Feeling dissatisfied with the compensation, the appellants have filed these First Appeals.

5. At the outset, Mr.Korhalkar, learned advocate for the appellants places on record copy of **order dated 27.01.2026 in First Appeal No.2253 of 2021 (Shivnanda Uttamrao Bagal Vs. State of Maharashtra and ors.)** with connected matters. He submits that after considering all the facts, this court fixed the rate of compensation at the rate of Rs.2,946/- per R for dry land. He

would submit that the cited order pertains to the land acquisition reference arising out of the same land acquisition project. He submits that the entire land acquisition project is common in all these appeals and in the present appeal. On principle of parity, Mr.Korhalkar prays to allow the appeal by granting enhancement as per the cited order.

6. Mr.S.A.Mulla h/f. Mr.S.G.Karlekar, learned advocate for the acquiring body after going through the contents of the cited order, fairly agrees that the present appeal can be partly allowed in terms of the cited order.

7. In view of the above, I pass the following order:-

(i) First appeals is allowed partly.

(ii) The appellants are held entitled to receive rate of Rs.2,946/- per R. for dry land.

(iii) The appellants shall not be entitled to interest and statutory benefits for the delayed period.

(iv) The appellants shall be entitled to interest under Section 28 and 34 from the date of award as per law laid down in the judgment of Full Bench in case of **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]**.

(v) Save and except above modification. Impugned judgment and award passed by Reference Court shall stand unaltered.

(vi) The appellants shall pay deficit court fees, if any.

(vii) Record and proceeding be sent back to the concerned Court, if any.

(viii) Award be drawn accordingly.

(ix) The acquiring body shall deposit the compensation in this court with accrued interest within six months from today. After such deposit, the appellants/claimants shall be permitted to withdraw the said amount without making any separate application. To clarify, the acquiring body shall deposit the award amount after applying interest in the light of the decision in **Kailash Shiva Rangari (supra)**.

[AJIT B. KADETHANKAR, J.]

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