IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 FIRST APPEAL NO. 1560 OF 2022

SADASHIV RAJARAM BANBARE
*VERSUS*
THE STATE OF MAHARASHTRA AND ORS
AND
952 FIRST APPEAL NO. 1451 OF 2020

SANDEEP BALAJI AATNURE AND ANR
*VERSUS*
THE STATE OF MAHARASHTRA AND ORS
AND
953 FIRST APPEAL NO. 1574 OF 2020

HANMANT BABARAO BANBARE AND ANR
*VERSUS*
THE STATE OF MAHARASHTRA AND ORS

...

Mrs. Laxmi Thakur h/f. Mr. L. C. Patil, Advocate for Appellants
Mr. K. B. Jadhav, Mr. B. V. Virdhe and Mr. S. N. Kendre, AGPs for Respondent-State respectively
Mr. S. P. Sonpawale, Advocate for Respondent/Acquiring Body

...

CORAM : AJIT B. KADETHANKAR, J.
DATED : 03.11.2026

P.C. :-

. Considering the short controversy involved in the matters and in the light of the view expressed by this Court in earlier First Appeal No.3591 of 2023 vide judgment and order dated 22.01.2026, the appeals could conveniently be disposed

of at the admission stage.

2. The subject matter house properties were acquired by the acquiring body for the purpose of the Lendi Project. The details are as follows:

| FA No. Judgment date | LAR No. | Gut No. and Area | Notification u/s 4 | Award u/s. 11 | LAO granted | Reference Court granted |
|---|---|---|---|---|---|---|
| 1560/2022<br><br>08.04.2019 | 283/12 | Old House No.111<br>New House No.346<br>Total area 63.75 sq.mtr. | 03.05.2007 | 27.08.2010 | 3,14,244/- | 1,25,698/- |
| 1451/2020<br><br>26.06.2019 | 448/12 | Old House No.47<br>New (Chalta) House No.307<br>Area 168.75 sq.mtr<br>and<br>Old House No.340<br>New (Chalta) House No.245<br>Area 53.00 sq.mtr | 03.05.2007 | 27.08.2010 | 4,34,441/-<br>2,62,427/- | 6,96,868/- |
| 1574/2020<br><br>27.06.2019 | 240/12 | Old House No.93<br>New (Chalta) House No.327<br>Tota Area 94.00 sq.mtr. | 03.05.2007 | 27.08.2010 | 2,19,103/- | 87,641/- |

3. So far as the compensation granted towards the lands is concerned, the same is not in dispute. The claims of the claimants towards their house properties are as follows:

| FA No. | Compensation claimed towards house property |
|---|---|
| 1560 of 2022 | Rs.10,06,867/- |
| 1451 of 2020 | Rs.21,65,180/- |
| 1574 of 2020 | Rs.5,75,104/- |

4. Learned Advocate for the appellants submits that in First Appeal No.1560 of 2022, the valuation report prepared by the private valuer was at Exhibit 25. In First Appeal No.1451 of 2020, the report was at Exhibit 26 whereas in First Appeal No.1574 of 2020, the valuation report was also at Exhibit 25. It is further contended by the appellants that the claimants examined the respective private valuers and proved the valuation reports. It is further contended that no contrary evidence was adduced by the acquiring body to enable the Reference Court to take any other view or to discard the evidence tendered by the claimants on the point of valuation of the house properties. Thus, she submits that the appellants are entitled to compensation towards their house properties as per the valuation reports which remained uncontroverted during the trial. The reasons assigned by the Reference Court for discarding the said valuation reports are not at all justifiable. Thus, it is prayed that the appeals be allowed.

5. While advancing these arguments, learned Advocate for the appellants seeks to place on record a copy of the order dated 22.01.2026 passed by this Court in First Appeal No.3591 of 2023 arising out of the same land acquisition

project. She submits that in the said matter, though the valuation report of the private valuer was discarded by the Reference Court, this Court accepted the said valuation report and granted compensation to the concerned appellants towards their residential properties. Clause No.5 of the said order reads thus :

> *"5. Appellant has adduced evidence of private valuer and his report is proved and marked as Exhibit 25. The valuation is shown to be of Rs.3,25,761/-. There is no contra evidence adduced by the respondent - acquiring body. This Court has been taking consistent view in accepting the report of the private valuer for enhancing the compensation. A useful reliance can be had to following judgment/order of this Court :*
>
> ***1. Kashinath s/o Nagnath vs. The State of Maharashtra and Ors. in First Appeal No.2460 of 2021 with connected matters dated 13.07.2022***
>
> ***2. Ramesh Govindrao Patil vs. The State of Maharashtra and Ors. in First Appeal No.1814 of 2023 dated 18.12.2025."***

The copy of the cited order is taken on record and marked as Annexure "X" for identification.

7. Learned Advocate for the acquiring body would fairly submit that the said order was passed after hearing the acquiring body.

8. With the able assistance of both the learned Advocates for the respective parties, I have gone through the text of the cited order. With due respect, I find no reason to disagree with the view taken by this Court in the cited case. In the present matters also, the evidence tendered by the appellants was that of private valuers. The valuation reports were accepted and duly proved by examining the concerned valuers. No contrary evidence was adduced by the other side. In view of this, I am of the considered view that the appeals deserve to be partly allowed thereby granting the appellants compensation towards their acquired house properties.

9. Hence, I pass the following order:

**ORDER**

I. First Appeals are partly allowed.

II. In First Appeal No.1560 of 2022, the appellant is held entitled to compensation towards the house property at Rs.10,06,867/- as per the valuation report at Exhibit 25.

III. In First Appeal No.1451 of 2020, the appellants are held entitled to compensation towards the house property at Rs.21,65,180/- as per the valuation report at Exhibit 26.

IV. In First Appeal No.1574 of 2020, the appellants are held entitled to compensation

towards the house property at Rs.5,75,104/- as per the valuation report at Exhibit 25.

V. The appellants shall not be entitled to interest and statutory benefits for the delayed period, if any.

VI. The acquiring body/respondent shall deposit the compensation amount in this Court within a period of six months.

VII. 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***.

VIII. Save and except above, impugned Judgment and Award passed by Reference Court shall stand unaltered.

IX. The appellants shall pay the deficit court fees, if any.

X. Award be modified accordingly.

XI. Record and proceedings be sent back to the Reference Court.

XII. Civil Applications, if any, stand disposed of.

**( AJIT B. KADETHANKAR, J. )**

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