IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11316 OF 2026
IN FAST/30854/2022

Asaram S/o Bapurao Dugane,
Age: 61 years, Occ: Agri,
R/o Mapegaon (Bk.), Tq. Partur,
Dist. Jalna.

....APPLICANT
(Ori. Claimant)

VERSUS

1. The Executive Engineer,
Lower Dudhna Project, Division Selu,
Now Executive Engineer Irrigation Division,
Near Motibag, Jalna, Dist. Jalna

2. The State of Maharashtra,
Through Dist. Collector, Jalna,
Dist. Jalna.

3. The Special Land Acquisition Officer,
Partur, Dist. Jalna

.....RESPONDENTS
(Ori. Respondents)

...

Mr. V. M. Humbe, Advocate for Applicant
Mr. K. B. Jadhavar, AGP for Respondent-State
Mr. N. U. Yadav, Advocate for Respondent no.1

...

WITH

CIVIL APPLICATION NO. 9699 OF 2026 IN FAST/30854/2022

.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 15TH OCTOBER, 2026

P.C. :-

CIVIL APPLICATION NO. 9699 OF 2026 IN FAST/30854/2022

. The present First Appeal is filed by the claimant seeking enhancement in the compensation awarded by learned Civil Judge Senior Division, Jalna in Land Acquisition Reference No.475 of 2011 vide judgment and award dated 15.11.2017.

2. It is informed that during pendency of this proceedings, the claimant Aasaram Bapurao Dugane died leaving behind present applicant nos.1 and 2 as his legal representatives.

3. For the reasons stated in the Civil Application, the same deserves to be allowed. Hence, the following order:

ORDER

a. Civil Application stands allowed.

b. Delay of 874 days caused in filing the present application stands condoned.

c. Abatement if any, stands quashed and set aside.

d. Applicants are permitted to incorporate their names in the title clause of the First Appeal and the applications therein as legal representatives of deceased Aasaram Dugane.

e. Amendment be carried out forthwith.

CIVIL APPLICATION NO. 11316 OF 2026

. This is an application seeking condonation of delay of 1737 days caused in filing the First Appeal against the judgment and award dated 15.11.2017 passed in Land Acquisition Reference No.475 of 2011 by learned Civil Judge Senior Division, Jalna.

2. The reasons for delay are elaborately and descriptively stated in paragraph nos.2 to 6 of the application. The applicants undertake not to claim any statutory benefit and interest over the delayed period.

3. Mr. N. U. Yadav, learned Advocate for Acquiring Body fairly prays to pass appropriate order.

4. For the reasons stated in the application and in view of the law laid down by the Hon'ble Supreme Court in the case of ***Suresh Kumar Vs. State of Haryana and ors., (Civil Appeal arising out of (C) No.670/2020) and connected matters decided on 23.04.2025,*** I pass following order:

ORDER

a. Civil Application stands allowed.

b. Delay of 1737 days caused in filing the First Appeal stands condoned.

c. It is clarified that the applicants shall not be entitled for the statutory benefit and interest for the period of delay.

d. Civil Application stands disposed of.

FIRST APPEAL ST. NO.30854 OF 2022

. Issue notice to the respondents. Mr. N. U. Yadav, learned Advocate waives service of notice for Acquiring Body. Learned AGP waives service of notice for respondent nos.2 and 3.

2. Both Mr. V. M. Humbe, learned Advocate for appellant and Mr. N. U. Yadav, learned Advocate for Acquiring Body jointly submit that in First Appeal No.2259 of 2021, arising out of the same land acquisition proceedings which is subject matter of present appeal, this Court has determined the rate of compensation @ Rs.4426/- per R applicable for dry land. They jointly submit that the said order covers present First Appeal and that the impugned award in the present appeal may accordingly be modified.

3. I have gone through the text of the order dated 14.11.2025 passed by this Court in First Appeal No.2259 of 2021. After considering the law laid down by the Hon'ble Supreme Court in cases of ***Ali Mohammad Beigh and others***

Vs. State of J & K, reported in *AIR 2017 SC 1518* and *Huchanagouda Vs. The Assistant Commissioner and Land Acquisition Officer and Ors., Civil Appeal No. 5976 of 2019*, this Court has determined the rate of compensation for dry land @ Rs.4426/- per R. I have no reason to disagree with the view taken by this Court in the cited case. In view of this, I pass following order:

ORDER

a. First Appeal stands partly allowed.

b. The appellant is held entitled for compensation at Rs.4426/- per R applicable for dry land. To that extent, the impugned judgment and award be modified.

d. The Acquiring Body shall deposit the enhanced amount of compensation in this Court within a period of six months from today .

e. The interest part shall be governed by the full bench judgment of this Court in the case of *State of Maharashtra Vs. Kailash Shiva Rangari, 2016(3) Mh.L.J. 457*.

f. Upon deposit of such amount, claimant shall be at liberty to withdraw such amount without making any separate application.

g. Disbursement to the appellant/claimant shall be subject to payment of deficit Court fees, if any.

h. First Appeals stand disposed of.

i. Civil Application if any, stands disposed of.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026