IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10990 OF 2026
IN FAST/38560/2018

1. Munjabhau S/o Gangadhar Dugane,
Age: 61 years, Occ: Agri.

2. Tukaram S/o Gangadhar Dugane,
Age: 59 years, Occ: Agri,

3. Bhagwan S/o Gangadhar Dugane,
Age: 59 years, Occ: Agri.

4. Ankush S/o Gangadhar Dugane,
(Dead Through L.Rs.)

4A. Indubai S/o Ankush Dugane,
Age: 43 years, Occ: Agri.
All R/o Mapegaon, Tq. Partur,
Dist. Jalna.

4B. Ganesh S/o Ankush Dugane,
Age: Minor, Occ: Edu.

4C. Krishna S/o Ankush Dugane,
Age: Minor, Occ: Edu.

(Appellant Nos.4B and 4C are Minor Through
Legal Guardian Mother-Appellant No.4A)

….APPLICANTS
(Ori. Claimants)

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,
Jalna, 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

...

CORAM : AJIT B. KADETHANKAR, J.

DATED : 15TH OCTOBER, 2026

P.C. :-

CIVIL APPLICATION NO. 10990 OF 2026

. This is an application seeking condonation of delay of 645 days caused in filing the First Appeal against the judgment and award dated 05.12.2016 passed in Land Acquisition Reference No.780 of 2011 by learned 3rd Joint 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.38560 OF 2018

. 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 appellants 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 appellants are 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 appellants/claimants 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