



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 1587OF 2025

Digambar Aparao Banbare .. Appellant
Versus
The State of Maharashtra and others .. Respondents

Ms. Laxmi R. Thakur, Advocate h/f Shri Laxmikant C. Patil,
Advocate for the Appellant.

Shri N. D. Raje, A.G.P. for the Respondent Nos. 1 and 2.

Mrs. Suvarna M. Zaware, Advocate for the Respondent No. 3.

CORAM : SHAILESH P. BRAHME, J.

DATE : 12TH FEBRUARY, 2026.

FINAL ORDER :

. Appellant is questioning judgment and award dated **25.04.2019** passed by the Reference Court in **L. A. R. No. 205 of 2012** and seeking enhancement of compensation on the ground of parity.

2. It is submitted by the learned counsel for the appellant that this Court has been taking consistent view in case of acquisition of house property to accept private valuer's report for awarding the compensation. The Reference Court only granted enhancement to the extent of 40% instead of accepting the valuer's report.

3. The submissions of the appellant are contested by the respondents. It is submitted that no case is made out for enhancement and adequate compensation has already been

granted by the Reference Court.

4. The acquisition of the house property is for Lendi project and the property is from village Itgyal, Tq. Mukhed, Dist. Nanded. The notification under Section 4 was issued on 03.05.2007 and award under Section 11 was passed on 27.08.2010.

5. Following are the material particulars:

L.A.R. No. & Date of Decision	First Appeal No.	House No. & Area acquired	Compen. granted by S.L.A.O.	Compen. enhanced by the Reference Court.	Valuation and Exhibit No. of valuation report.
205/2012 25.04.2019	1587/2025	Old H. No. 100/1 New H. No. 383 64.00 Sq. Mtrs	Rs. 5,33,843-	Rs. 2,13,537/-	Rs. 14,67,650- Exh. No. 27

6. Appellant has adduced evidence of private valuer and his report is proved and marked as **Exhibit 27**. The valuation is shown to be of **Rs. 14,67,650/-**. 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.

7. A useful reliance can be had to following judgments of the of this Court :

- (i) Kashinath s/o Nagnth Vs. State of Maharashtra in First Appeal No. 2460/2021, decided on 13.07.2022.

- (ii) Ramesh s/o Govindrao Patil Vs. State of Maharashtra, in First Appeal No. 1814/2023, decided on 18.12.2025.

8. The Reference Court has committed patent illegality in awarding the compensation marginally instead of accepting the report of private valuer in entirety. I, therefore, pass following order.

O R D E R

- A. The first appeal is allowed partly.
- B. The appellant is entitled to compensation of **Rs. 14,67,650/-** for the acquired house property.
- C. The appellant shall be entitled to receive interest U/Sec. 28 and 34 of the Land Acquisition Act in view of the judgment of the Full Bench of this Court in the matter of State of Maharashtra Vs. Kailash Shiva Rangari reported in *[2016 AIR (Bom.)141]*.
- D. Save and except above, the impugned judgment and award shall remain unaltered.
- E. The appellant shall pay the deficit court fees.
- F. Award be drawn up accordingly.

[SHAILESH P. BRAHME J.]