



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

FIRST APPEAL NO. 1737 OF 2023

**SIDHRAM GOVINDRO PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, NANDED
AND OTHERS**

...
Advocate for Appellant : Mr. Laxmikant C. Patil
A.G.P. for Respondent nos. 1 & 2 : Mr. N.D. Raje

...
**WITH
FIRST APPEAL NO. 1340 OF 2025**

**NAMDEO LINOURAM NUKULWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, NANDED
AND OTHERS**

...
Advocate for Appellant : Mr. Laxmikant C. Patil
A.G.P. for Respondent nos. 1 & 2 : Mr. N.D. Raje
Advocate for Respondent No. 3 : Mr. Sunil V. Warad

...
CORAM : SHAILESH P BRAHME, J.

DATE : 07.01.2026

PER COURT :

Taken up for final hearing with the consent of the parties.

2. The appellants are challenging the judgment and award dated 23.03.2009 passed in L.A.R. No. 11/2005 and judgment and award dated 17.07.2014 passed in L.A.R. No. 44/2008, in respective appeals. They are claiming enhancement of the compensation on the ground of parity relying on consistent view taken by this Court, as well as order dated 18.12.2025 passed in First Appeal No. 1814/2023. The house properties of the appellants from village Marajwadi have been acquired for Lendi Project.

3. In First Appeal No. 1737/2023 notification under Section 4 was issued on 23.12.1997 and Award was passed on 26.03.2002. The appellant led oral and documentary evidence. The valuation report is proved and marked as Exhibit 14 on the basis of deposition of private valuer P.W. 3 Barbade. Exh. 14 shows valuation of the acquired house of Rs. 1,57,785.44.

4. In First Appeal No. 1340/2025 notification under Section 4 was issued on 21.08.1997 and award was passed on 26.03.2002. The appellant led oral and documentary evidence. The valuation report was proved and marked as Exh. 15 by examining P.W. 2 Barbade. It shows valuation of the acquired house of Rs. 51,079/-.

5. The impugned judgments and award in both the appeals show that Reference Court accepted the valuation report to the extent of 70% only. No contra evidence was led by the acquiring body. There is no reason to truncate the valuation report. The appeals are squarely covered by the consistent view taken by the coordinate bench in the matter of **Pandhari Dhondiba Nukulwad and Others Vs. The State of Maharashtra and Others in First Appeal No. 2270 Of 2014**. I have also followed the same view in First Appeal No. 1814/2023. The appellants are entitled to receive compensation as per the valuation reports. I, therefore, pass following order:

ORDER

- (i) First Appeals are allowed partly.
- (ii) The appellant in First Appeal No, 1737/2023 shall receive compensation of Rs. 1,57,785.44.
- (iii) The appellant in First Appeal No. 1340/2025 shall receive compensation of Rs. 51,079/-.
- (iv) The appellants shall be entitled to interest U/Sec. 28 and 34 of the L. A. Act is payable from the date of final

award as per the judgment in the matter of **State of Maharashtra Vs. Kailas Shiva Rangari reported in 2016(4) All MR 513.**

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

(v) Save and except above, rest of the impugned judgment and award shall stand unaltered.

(vi) The appellants shall pay deficit court-fees.

(vii) Award be drawn accordingly.

(viii) Record and proceedings be sent back to the concerned Court.

(SHAILESH P. BRAHME, J.)

mkd/-