



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2832 OF 2024

PRALHAD ASARAM KAKDE

VERSUS

THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND
OTHERS

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Advocate for Appellant : Mr. Kakde S. M.
AGP for Respondent/s-State : Mr. N. D. Raje.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 08.01.2026

FINAL ORDER :-

1. Heard both sides finally at the admission stage.
2. Being aggrieved by judgment and award dated 01.07.2017 passed in LAR.No.592 of 2012 the appellant has approached this Court for enhancement.
3. Learned counsel for the appellant has placed on record compilation of documents claiming parity. It is submitted that impugned judgment is passed commonly in three (3) references. Out of it, First Appeal No.2834 of 2024 was filed by Abasaheb Asaram Kakde arising out of LAR.No.594 of 2012. In that case, parties arrived at settlement. Appeal was disposed of in Lok-Adalat by accepting rate of Rs.5800/- for dry land, Rs.11600/- for irrigated land, Rs.8700/- for semi irrigated land. Appellant is claiming rate

of Rs.8,700/- per R. as the land in question is semi irrigated.

4. Learned AGP repels the submissions mainly on the ground that the settlement arrived in some other matter cannot be made applicable to the present case. There was no decision on merits in earlier matter. It is submitted that even the rates amicably agreed by the parties are not accepted by Lok-Adalat. My attention is adverted to the terms of settlement and the common order passed by Lok-Adalat on 13.09.2025.

5. Following are the material particulars in the present appeal :

Sr. No.	First Appeal No.	L.A.R. No.	Gut No.	Total area	U/sec.4 notification date	U/sec.11 Award date	SLAO rate per R as per Award	Reference Court enhanced rate per R	Type of land reference court awarded
924	2832/2024	592/2012	108	01 H 60 R	17.07.2010	30.09.2011	Rs.1500/-	Rs.7,335/- -	1 H 60 R for semi irrigated land

6. Appellant's land from village Jaipur, Taluka Mantha, District Jalna was acquired for Jaipur Percolation Tank No.7. The notification under Section 4 was issued on 17.07.2010. Thereafter award was passed on 30.09.2011. The land in question is semi irrigated land. SLAO awarded rate of Rs.1500/- per R. which is enhanced to Rs.7335/- per R. by the Reference Court. The appellant is claiming rate of Rs.8,700/- per R. for semi irrigated land relying on the settlement arrived at in First Appeal No.2834 of 2024.

7. By impugned judgment and award, LAR.No.587 of 2012 filed by

Mahadeo Limbaji Kakde, LAR.No.594 of 2012 filed by Abasaheb Asaram Kakde, and LAR.No.592 of 2012 filed by Pralhad Asaram Kakde were decided jointly.

8. It is apparent that facts and circumstances are identical. The lands in question were from village Jaipur. Arising out of the same common judgment, First Appeal No.2834 of 2024 was filed by Abasaheb Asaram Kakde which was settled before Lok Adalat. By order dated 13.09.2025 appeal was disposed of in pursuance of the settlement in Lok-Adalat. The compilation produced by the appellant shows that by way of settlement, the rates were agreed between the parties. They are signatories to the settlement. The letter dated 01.09.2025 issued by the competent authority would disclose authorization of the competent Officer to settle the matter not only in respect of LAR.No.594 of 2012 filed by Abasaheb Kakde but in respect of LAR.No.587 of 2012 and 592 of 2012. The competent authorities have taken a conscious decision in agreeing with the rate referred in terms of settlement. After due verification, the matter was settled before the Lok-Adalat.

9. In order dated 13.09.2025 passed by Panel of Lok-Adalat there is no express reference to the rates but by implication the agreed rates are accepted. There is specific reference to the award of interest under Section 28 and 34 of the Act. It cannot be said that rate settled between the parties are not accepted. The submission of learned AGP cannot be approved.

10. There is nothing on record to show that rates amicably settled between the parties in connected First Appeal No.2834 of 2024 were not agreeable to the respondent authorities. The order passed in Lok-Adalat is not subjected to challenge or review. First Appeal No.43 of 2023 which was arising out of identical set of circumstances was also settled in Lok-Adalat. In the letter dated 01.09.2025 there is reference to the first appeal wherein authorization was granted for settlement. I am of the considered view that on the ground of parity, appellant is entitled to rate of Rs.8,700/- per R. It would be discriminatory to deny the appellant the said rate. I, therefore, pass following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) The appellant shall be entitled to receive compensation @ of Rs.8,700/- per R. for semi irrigated land.
- (iii) The appellant shall not be entitled to interest and statutory benefits for the delayed period.
- (iv) The appellant shall be entitled to interest under Section 28 and 34 from the date of award as per law laid down in the judgment of Full Bench in case of *State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]*.

- (v) Save and except above modification. Rest of the impugned judgment and award shall stand unaltered.
- (vi) The appellant shall pay deficit court fees, if any.
- (vii) Record and proceeding be sent back to the concerned Court, if any.
- (viii) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

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vmk/-