



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

**REVIEW APPLICATION (CIVIL) NO. 32 OF 2024
IN FA/1285/2004**

1. Zumbarlal Gambhirlal Kothari (Deceased)
Through L.Rs.
- 1A. Madanbai Zumbarlal Kothari (Deceased)
- 1B. Shantilal Zumbarlal Kothari (Deceased)
Through L.Rs.
- 1B-1. Indira Shantilal Kothari,
Age: 82 Yrs, Occu: Household.
- 1B-2. Ishwarlal Shantilal Kothari
Age: 67 Yrs, Occu: Business.
- 1B-3. Rasiklal Shantilal Kothari,
Age: 64 Yrs, Occu: Business.
- 1B-4. Jawahar Shantilal Kothari,
Age: 64 Yrs, Occu: Business.
- 1B-5. Subhash Shantilal Kothari (Deceased)
Through L.Rs.
- 1B-5-A. Sarita Subhash Kothari (Deceased)
- 1B-5-B. Kumarabhi Subhash Kothari
Age: 28 Yrs, Occu: Advocate,

All R/o: Station Road, Vaijapur
Tq. Vaijapur, District Aurangabad.
- 1B-6. Sunanda Suresh Lodha
R/o: Jalgaon,
Tq. Jalgaon, District Jalgaon.

.....APPLICANTS
(Ori. Claimants)

VERSUS

The State of Maharashtra
Through The Collector,
Aurangabad.

.....RESPONDENT

Mr. Sagar Nandkishor Pahune Patil, Advocate for Applicants
Mr. S. B. Jadhav, AGP for Respondent-State

CORAM : SANJAY A. DESHMUKH, J.
DATED : 22ND JANUARY, 2026

ORAL JUDGMENT :-

1. Learned Advocate for the applicants pointed out that this application is filed against the judgment of this Court passed in First Appeal No.1285 of 2004, dated 05.02.2018. Against the said judgment, the applicants have preferred the Special Leave Petition (Civil) Diary No.30750 of 2022 before the Hon'ble Supreme Court and the same was dismissed on 14.11.2024 with following directions:

Leave is given to withdraw the petition as prayed for by the learned counsel for the petitioners.

Learned counsel for the petitioners has submitted that his clients would like to approach the High Court for appropriate remedy.

The petition is dismissed with the aforesaid observation.

2. In view of the above, the claimants have preferred this application for reviewing the impugned judgment. Learned Advocate

for the applicants pointed out the Land Acquisition Reference No.233 of 1996, dated 25.01.2017, by which the amount of compensation was enhanced @Rs.2250/- per Are. Learned Advocate for the applicants therefore submitted to award the same rate of compensation be awarded to the applicants/claimants who preferred the appeal before this Court bearing First Appeal No.1285 of 2004.

3. Learned AGP for the state strongly opposed the application and submitted to reject the application as this Court has already disposed of the First Appeal on merits.

4. Upon perusal of the impugned judgment of this Court and the judgment of the Reference Court by which the compensation amount was enhanced @Rs.2250/- per Are alongwith the judgment of Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No.30750 of 2022 and the entire evidence on record, the claimants/applicants are certainly entitled to the enhanced amount of compensation @Rs.2250/- per Are on the principle of parity, as the lands of the claimants in both the cases are similarly situated. Therefore, the application for review deserves to be allowed in the interest of justice. Impugned judgment deserves to be partly set aside. Hence, the following order:

ORDER

- a. Review Application is allowed.
- b. Impugned judgment of this Court passed in First Appeal No.1285 of 2004 is partly set aside and modified as under:
 - i. Applicants/Claimants are entitled to the amount of compensation @Rs.2250/- per Are alongwith all the statutory benefits as per the provisions of the Land Acquisition Act, 1894.
- c. Respondent/Acquiring Authority is directed to deposit the enhanced amount of compensation in this Court within (12) twelve weeks from today.
- d. On depositing the enhanced amount and upon payment of deficit Court fees for enhanced amount the compensation be paid to the claimants accordingly.
- e. Pending Civil Applications, if any, stand disposed of.

(SANJAY A. DESHMUKH, J.)