



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

58 CIVIL APPLICATION NO. 1004 OF 2026
IN FAST/6461/2025

GANPAT @ GANPATI MANIK SABALE.

VERSUS

THE EXECUTIVE ENGINEER SENA KOLEGAON PROJECT
DIVISION PARANDA

WITH CIVIL APPLICATION NO. 2280 OF 2025
IN FAST/6461/2025 WITH
CIVIL APPLICATION NO. 2281 OF 2025
IN FAST/6461/2025

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Advocate for Applicant : Mr. M. B. Kolpe h/f Mr. Vivekanand
Bhagwanrao Deshmukh.

AGP for Respondent/s-State : Mr. S. N. Morampalle.

Advocate for Respondent No.1 : Ms. Sunita D. Shelke.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 30.01.2026

FINAL ORDER :-

1. By consent this appeal can be disposed of finally.
2. Appellant acquiring/body has preferred appeal challenging judgment and award dated 08.09.2023 passed in LAR. No.229 of 2020 being aggrieved by clause No.3.
3. Learned counsel for the appellants submits that Gram Panchayat House No.45/1, 2 situated at Domgaon which is acquired for Seena Kolegaon Project stands in the name of

present respondent Ganpat Manik Sabale and his brother Kalyan Manik Sabale. Impugned judgment is likely to make confusion and there has to be clarity that determination of the compensation is to the extent of respondent Ganpat Manik Sabale.

4. Learned counsel for the respondents fairly accept the position that his client is entitled to half share of the property and the compensation determined by the Reference Court is towards his half share. It needs to be clarified that the determination of the compensation to the extent of Rs.2,00,000/- is towards half share of the respondent/claimant. I therefore, pass following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) The compensation of Rs.2,00,000/- awarded for acquisition of Gram Panchayat House No.45/1 and 2 situated at Domgaon is restricted to the half share of respondent Ganpat Manik Sabale only.
- (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. Impugned judgment and award passed by Reference Court shall stand unaltered.
- (vi) The compensation which is lying with the Reference Court with accrued interest shall be disbursed to the respondent/claimant, if not disbursed earlier.
- (vii) The appellant shall pay deficit court fees, if any.
- (viii) Record and proceeding be sent back to the concerned Court, if any.
- (ix) Award be drawn accordingly.
- (x) Pending civil applications if any disposed of accordingly.

Civil Application for Delay

5. Applicants seek to condone delay in preferring first appeal. For the reasons stated above delay stands condoned.
6. Civil application for delay is allowed.

(SHAILESH P. BRAHME, J.)

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vmk/-