



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

62 CIVIL APPLICATION NO. 7223 OF 2025
IN FA/3271/2025
WITH
CIVIL APPLICATION NO. 7222 OF 2025
IN FA/3270/2025

SANTOSH ANANDA PATIL AND ANR
VERSUS
THE EXECUTIVE ENGINEER, JALGAON MEDIUM PROJECT DIVISION,
JALGAON AND ANR

...
Advocate for Applicant : Mr. Patil Vijay Bhalerao
Advocate for Respondent No. 1 : Mr. Ajay D. Pawar
Advocate for Respondent No. 2 : Mr. S.N. Morampalle

...
CORAM : SHAILESH P. BRAHME, J.

DATE : 12.01.2026

PER COURT :

Heard both sides.

2. The applicants are praying for direction to the respondent-Acquiring Body to deposit further amount in this Court.
3. The learned counsel for the applicants submits that on the ground of parity the applicants are entitled to the compensation. It is submitted that reliable evidence has been adduced by the applicants disclosing number of trees and the valuation report cannot be faulted. It is submitted that Rs. 8000/- per tree compensation is reasonable and has foundation. The Acquiring Body has deposited only 50% of the amount while granting stay.
4. Per contra, learned counsel Mr. Pawar would repeal the submissions on the ground that number of trees, valuation report are vulnerable. It is submitted that the controversy pertains to fruit bearing trees and ground of

parity cannot be pressed into service. It is further submitted that already the applicants are disbursed 50% of the amount with accrued interest, which would come to sizable figure of Rs. 2,42,39,777/- and Rs. 94,88,027/- in the respective appeals.

5. I have considered rival submissions of the parties. 25% of the amount was deposited in the reference Court and that was disbursed. This Court directed the Acquiring Body to deposit 25% of the amount with accrued interest while granting interim stay. Accordingly, amount was deposited and that is also disbursed. The controversy pertains to compensation for the trees. Both parties have raised contentious issues, which cannot be dealt with at this stage. I am of the considered view that only about 50% of the amount has been disbursed to the applicants/claimants. This Court cautiously directed the Acquiring Body to deposit 25% only while issuing notices and granting stay. No case is made out for issuing the directions as solicited by the applicants.

6. The Applications are rejected.

FIRST APPEALS

7. Both parties are insisting for final disposal at the admission stage.

8. Call for record and proceedings.

9. Print is dispensed with.

10. List the matters for final disposal on 16.02.2026.

(SHAILESH P. BRAHME, J.)

mkd/-