



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

**CIVIL APPLICATION NO. 14159 OF 2025
IN
CIVIL APPLICATION NO. 13534 OF 2025
IN
FIRST APPEAL NO. 2334 OF 2022**

The Executive Engineer, Minor
Irrigation Division No. 1, Jalna .. Applicant

Versus

Sakharam Madhav Kharat and others .. Respondents

Shri Shrirang s. Dande, Advocate for the Applicant.
Shri Vilas M. Humbe, Advocate for the Respondent Nos. 1 to 3.
Mrs. P. V. Diggikar, A.G.P. for the Respondent Nos. 4 and 5.

**WITH
CIVIL APPLICATION NO. 14166 OF 2025
IN
CIVIL APPLICATION NO. 13535 OF 2025
IN
FIRST APPEAL NO. 2338 OF 2022**

The Executive Engineer, Minor
Irrigation Division No. 1, Jalna .. Applicant

Versus

Maroti Bhika Kharat and others .. Respondents

Shri Shrirang s. Dande, Advocate for the Applicant.
Shri Vilas M. Humbe, Advocate for the Respondent No. 1.
Mrs. P. V. Diggikar, A.G.P. for the Respondent Nos. 2 and 3.

**WITH
CIVIL APPLICATION NO. 14165 OF 2025
IN
CIVIL APPLICATION NO. 13550 OF 2025
IN
FIRST APPEAL NO. 2323 OF 2022**

The Executive Engineer, Minor
Irrigation Division No. 1, Jalna .. Applicant

Versus

Gautam Trimbak Ragde and others .. Respondents

Shri Shrirang s. Dande, Advocate for the Applicant.

Shri Vilas M. Humbe, Advocate for the Respondent Nos. 1 and 2.

Mrs. P. V. Diggikar, A.G.P. for the Respondent Nos. 3 and 4.

**WITH
CIVIL APPLICATION NO. 14164 OF 2025
IN
CIVIL APPLICATION NO. 13450 OF 2025
IN
FIRST APPEAL NO. 4239 OF 2022**

The Executive Engineer, Minor
Irrigation Division No. 1, Jalna .. Applicant

Versus

Ganpat Bhika Kharat and others .. Respondents

Shri Shrirang s. Dande, Advocate for the Applicant.

Shri Vilas M. Humbe, Advocate for the Respondent No. 1.

Mrs. P. V. Diggikar, A.G.P. for the Respondent Nos. 2 and 3.

**WITH
FIRST APPEAL NO. 3715 OF 2022
WITH
CIVIL APPLICATION NO. 14045 OF 2025**

Sandu Rustum Kharat and others .. Appellants

Versus

The State of Maharashtra and others .. Respondents

Shri Vilas M. Humbe, Advocate for the Appellants.

Mrs. P. V. Diggikar, A.G.P. for the Respondent Nos. 1 and 2.

Shri Shrirang s. Dande, Advocate for the Respondent No. 3.

WITH

FIRST APPEAL NO. 22 OF 2026
WITH
CIVIL APPLICATION NO. 14048 OF 2025

Vasant Bhagaji Ragde and others .. Appellants
Versus
The State of Maharashtra and others .. Respondents

Shri Vilas M. Humbe, Advocate for the Appellants.
Mrs. P. V. Diggikar, A.G.P. for the Respondent Nos. 1 and 2.
Shri Shrirang s. Dande, Advocate for the Respondent No. 3.

WITH
FIRST APPEAL NO. 1751 OF 2023
WITH
CIVIL APPLICATION NO. 13337 OF 2025

Uttam Daulat Kharat .. Appellant
Versus
The State of Maharashtra and others .. Respondents

Shri Vilas M. Humbe, Advocate h/f Shri Arun H. Koralkar,
Advocate for the Appellant.
Mrs. P. V. Diggikar, A.G.P. for the Respondent Nos. 1 and 2.
Shri Ruturaj C. Patil, Advocate for the Respondent No. 3.

WITH
FIRST APPEAL NO. 23 OF 2026
WITH
CIVIL APPLICATION NO. 14043 OF 2025

Bhika Shripat Kharat
Since deceased through his L.Rs.
Rukhmanbai died through L.Rs.
Maroti and another .. Appellants
Versus
The Executive Engineer Minor
Irrigation Division Jalna .. Respondents

Shri Vilas M. Humbe, Advocate for the Appellants.

Shri Shrirang S. Dande, Advocate for the Respondent No. 1.
Mrs. P. V. Diggikar, A.G.P. for the Respondent Nos. 2 and 3.

CORAM : SHAILESH P. BRAHME, J.
DATE : 18TH APRIL, 2026.

FINAL ORDER :

. Heard both sides.

2. These matters can be decided together because there are common facts and legal issues involved. In following matters by common order dated 11th December, 2025, first appeals were partly allowed remanding the matters to the Reference Court.

- I First Appeal No. 2334 of 2022
- II First Appeal No. 2338 of 2022
- III First Appeal No. 2323 of 2022
- IV First Appeal No. 4239 of 2022

3. The acquiring body has taken exception to the common order dated 11.12.2025 by preferring review application, pointing out mistake apparent on the face of record that the direction to decide matters afresh which is incorporated in para No. 5(B) would enlarge the scope unnecessarily and that is likely to be misused by pressing into service concocted or fictitious claim.

4. In following matters appellants are claiming remand of the matters in view of filing of applications for additional evidence.

- i) First Appeal No. 3715 of 2022
- ii) First Appeal No. 22 of 2026
- iii) First Appeal No. 1751 of 2023
- iv) First Appeal No. 23 of 2026

It is contended that the same course as is done in earlier matters by passing common order dated 11.12.2025 be adopted.

5. The common thread of submissions of the learned counsel Mr. Humbe in all these matters is that there were trees in the lands under acquisition and his clients are armed with evidence to that effect. They have preferred civil applications for additional evidence, which needs objective scrutiny. This Court has rightly remanded the matters so as to enable the appellants/claimants to place on record additional evidence, which course needs to be followed in remaining matters also. It is further candidly submitted that his clients are ready to give up interest and statutory benefits for limited duration.

6. Per contra, Mr. Dande and Mr. Raturaj Patil, learned counsels appearing for the respondent – acquiring body in first appeals and for the review applicant would vehemently point out that blanket order of remand would create obligations and would pave way to false and concocted claims for enhancement. The original pleading and the evidence also needs to be taken into account besides additional evidence. The plea and objections to be raised by the acquiring body need to be kept open. It is

further pointed out that the appellants – claimants are not entitled to interest and statutory benefits from the date of decision of the Reference Court till the order passed by this Court as the lapses are attributable to the appellants – claimants.

7. I have considered the rival submissions of the parties and the impugned judgment and orders passed by the Reference Court. I have also gone through the common order under review dated 11th December, 2025.

8. Appellants – claimants filed applications for additional evidence and stated that they were armed with necessary material which prompted this Court to pass order of remand. It is apparent on the face of record that order under review is likely to be misconstrued and likely to be misused by pressing into service false or concocted claims. It needs to be guarded or clarified. The objection raised by the learned counsels for the respondent – acquiring body cannot be said to be misplaced. It would be open for the Reference Court to test genuineness of the claim to the touch stone of earlier pleading and evidence, besides new pleadings and material.

9. The applicants have preferred applications for additional evidence on different dates in this Court in December 2025. The first appeals filed by them were accompanied by applications for condonation of delay. The delay was condoned. They could have filed these applications immediately after filing of first appeals.

There is considerable delay from filing of the appeals and filing of the applications for additional evidence. The lapses are attributable to them. It is trite law that the statutory benefits would be forfeited in case appeals are preferred belatedly. In that view of the matter, appellants – claimants shall not be entitled to interest and statutory benefits from the date of impugned judgment and order passed by the Reference Court till December 2025.

10. For the reasons stated above, I pass following order.

O R D E R

- A. First appeals are allowed partly.
- B. Impugned judgment and award passed by the Reference Court are quashed and set aside and matters are relegated to the Reference Court to decide them afresh on their own merits.
- C. All points are kept open.
- D. The Reference Court shall consider the objections to be raised by the acquiring body as is permissible in law and shall examine the genuineness of the claim on their own merits.
- E. Appellants – claimants shall not be entitled to claim interest and statutory benefits from the date of earlier judgment and award passed by the Reference Court till December 2025.

F. Parties shall appear before the Reference Court on 05.05.2026.

G. The Reference Court shall decide the matters expeditiously.

H. Civil applications for production of additional documents are disposed of.

I. It will be open for the Reference Court to consider earlier pleadings and the evidence on record in-justa position with the subsequent pleadings and evidence.

J. The civil applications for review filed by the acquiring body are disposed of in view of above directions.

[SHAILESH P. BRAHME J.]

bsb/April 26