IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1382 OF 2026
IN FA/1823/2025

Ganpat Sitaram Manwatkar (died) Thr Lrs Bayanabai Since Deceased Through Legal Repr. Sampat And Ors.

VERSUS

The State Of Maharashtra Thr Collector, Jalna And Ors.

WITH FIRST APPEAL NO. 1823 OF 2025

Ganpat Sitaram Manwatkar (died) Thr Lrs Bayanabai And Ors

VERSUS

The State Of Maharashtra Thr Collector, Jalna And Ors

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Mr. A. H. Koralkar, Advocate for Appellant/Applicant
Mr. N. D. Raje, AGP for Respondent Nos. 1 and 2
Mr. A. N. Gaddime, Advocate for Respondent No. 3

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CORAM : SHAILESH P. BRAHME, J
DATE : MARCH 11, 2026

PC :

CIVIL APPLICATION FOR LR'S

1. Applicants seek to condone delay of 645 days in setting aside abatement and bringing legal heirs of original claimant Bayanabai W/o Ganpat Manwatkar.

2. It is submitted that Sampat and Asaram who are sons of Bayanabai are already on record. Only formal amendment needs to be made in the memo of Appeal as well as memo of the Application, if any. Civil Application is allowed to the extent that sons, who are already on

record, shall be treated to be heirs of deceased Bayanabai W/o Ganpat Manwatkar.

FIRST APPEAL

3. Appellants are assailing the judgment and award passed in LAR No. 84/2010. The judgment is no more res integra as it is squarely covered by consistent view being taken in numerous matters in awarding rate of Rs.2500 per Are for dry land, Rs.3750 per are for semi irrigated land and Rs.5000 per are for irrigated land with benefit of escalation with cumulative effect.

4. My attention is also adverted to the common order dated 19.12.2025 in which *inter alia* relying upon the consistent view being taken this Court awarded rate of Rs.4426 for the acquisition of the land from the village Padali Pardhi, Tq. Partur, Dist. Jalna. In the present case, the land is treated to be semi irrigated land and there is no controversy about the same. Appellants are entitled to have benefit of escalation with cumulative effect and is entitled to receive Rs.6639 per are.

5. Further reliance is placed on the common order dated 29.01.2026. In the group of Appeals, this Court enhanced compensation to Rs.6639 per Are as lands were semi irrigated and they were from

same village. I also propose to adopt the same course. I, therefore, pass following order:

ORDER

(a) First Appeal is partly allowed.

(b) The Appellants shall be entitled to receive rate of Rs.4,426/- per Are for dry land, Rs.2,213/- per Are for pot Kharab land and Rs.6,639/- per Are for semi-irrigated land.

(c) The Appellants shall not be entitled to the interest and statutory benefits for the delayed period.

(d) The Appellants shall be entitled to the interest under Sections 28 and 34 of the Land Acquisition Act, 1894 as per full bench judgment of State of Maharashtra vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141].

(e) Save and except above modification, the impugned judgment and award shall stand unaltered.

(f) Record and proceedings be sent back to the Reference Court.

(g) The Appellants shall pay deficit Court fees.

(h) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

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