



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 CIVIL APPLICATION NO. 2329 OF 2026
IN FAST/3833/2026

KHALIL AHEMAD ABDUL NABI DESHMUKH

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, JALNA AND
OTHER

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Advocate for Applicant : Mr. Bhise Vitthal Dnyanoba.

AGP for Respondents-State : Mr. N. D. Raje.

Advocate for Respondent No.3 : Mr. B. R. Surwase.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 13.03.2026

FINAL ORDER :-

Civil Application for Delay

1. Applicant seeks to condone delay of 6018 days in preferring first appeal.
2. The averments of the application have not been controverted. There is no reason to infer any malafides on the part of the applicant. Applicant is ready to give up interest and statutory benefits for the delayed period. The delay stands condone.
3. Civil application is allowed on the condition that applicant shall not be entitled to interest and statutory benefits for the delayed period.

First Appeal

4. Heard both sides finally.

5. The appellant is challenging the judgment and award passed by the Reference Court in **L.A.R. No.22 of 1999**. The appellant is claiming enhancement of compensation on the ground of parity, relying on various judgments and the last one is passed in First Appeal Stamp No.29898 of 2022 and another.

6. The respondents have contested the appeal mainly on the ground that there is no similarity in the lands under acquisition and the lands acquired in the previous judgments. It is submitted that the appellant is not entitled to escalation.

7. Following are the material particulars :

First Appeal Stamp No.	L.A.R. No.	Gat No.	Total area	U/sec.4 notification date	U/sec.11 Award date	SLAO rate per R as per Award	Reference Court enhanced rate per R	Type of land reference court awarded area in R.
3833/2026	22/1999	18	02 H. 00 R.	07.02.1997	23.02.1998	Rs.504/-	Rs.915/-	02H 00R Dry land

8. Notification under Section 4 was issued on **07.02.1997** and award was passed on **23.02.1998**. The land from village Ekurkha, Tq. Partur, Dist. Jalna, was acquired. The reference Court fixed the rate at Rs.915/- per Are. In view of consistent view taken by this Court, the appellant is entitled the rate of Rs.2500/- per Are for dry land. The appellants are entitled to

escalation by cumulative effect at the rate of 10% per annum.

9. The respondents did not challenge the classification of the land. No evidence was led by them before the Reference Court. Present appeal is squarely covered by the consistent view taken by this Court. The appellant is entitled to receive rate of Rs.2714/- per R. for dry land. I, therefore, pass following order :

ORDER

- (i) Firsts Appeal is allowed partly.
- (ii) The appellant is entitled to receive rate of Rs.2714/- per R. for dry land.
- (iii) The appellant shall not be entitled to claim interest and statutory benefits for the delayed period.
- (iv) The appellant shall be entitled to interest U/Sec. 28 and 34 of the L. A. Act is payable from the date of final award as per the judgment in the matter of *State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]*.
- (v) Save and except above, rest of the impugned judgment and award shall stand unaltered.
- (vi) The appellant shall pay deficit court-fees.
- (vii) Award be drawn accordingly.
- (viii) Record and proceedings be sent back to the concerned Court.

(SHAILESH P. BRAHME, J.)

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