

**THIS ORDER IS CORRECTED VIDE SPEAKING TO MINUTES
ORDER DATED 17.04.2026**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**18 CIVIL APPLICATION NO. 2349 OF 2026
IN FAST/4710/2026**

HIRAMAN S/O. KONDIBA KHEDEKAR (DIED)
THROUGH LEGAL REP. PARUBAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH
DIST COLLECTOR, PARBHANI AND OTHERS

...
Advocate for applicants / appellants : Mr. Vitthal D. Bhise
AGP for the respondent – State : Mr. S.V. Hange
Advocate for respondent/Acquiring Body : Mr. B.R. Survase
...

**CORAM : SHAILESH P. BRAHME, J.
DATE : 30 MARCH 2026**

PER COURT :

Civil Application for Condonation of Delay

The applicants are seeking condonation of delay of 6771 days in preferring the First Appeal.

2. The application is contested by the respondents.
3. Considering the contentions in the application, I find no *mala fide* on the part of the applicants in preferring the Appeal belatedly.
4. In view of the consistent view taken by this Court, appellants are ready to give up the interest and statutory benefits for the delayed period.

5. Delay stands condoned. Civil Application No. 2349 of 2026 is allowed.

First Appeal :

6. The appellants are challenging the order and award passed by the reference Court on the ground of parity and consistent view being taken in number of matters relying upon judgment of **Pralhad Annasaheb Nirwal vs. State of Maharashtra and others in First Appeal No.1778 of 2024 with connected matters on 11.12.2025.**

7. The classification of the land acquired, has not been disputed by either of the parties.

8. The learned AGP opposes the submissions and contentions of the appellant.

9. Following are the material particulars of the appeal :

FA (St.) No.	LAR No.	Gut No.	Total Acquired area	Notification u/s.4	Award u/s. 11 date	SLAO rate as per award	Ld. Reference Court enhanced rate per R	Type of land Ld. Reference Court awarded			
								Dry Land	Semi irrigated	Irrigated	Pot khara b
4710/2026 Hiraman (Died) Parubai H Khedekar	12/2006 (26.04.2007)	38	01 H 54 R	16.2.2001	23.08.2004	Rs.707/-	Rs.1100/- Dry Land	01 H 54 R	---	---	---

10. Appellant's land from village Shirala stood acquired vide notification dated 12.12.2001. In similarly situated matters, while acquiring lands from selfsame village, this Court has enhanced compensation to the tune of Rs. 3963/- per R vide order dated 04.02.2026 passed in FA 134 of 2023 (*Maroti Namdev Khedekar and another V. The State of Maharashtra and others*) and connected matters.

11. Present case is squarely covered by order passed by this Court in FA / 134 /2023 (supra), which inter alia refers to the consistent view being taken in **Pralhad Annasaheb Nirwal** (supra). Appeal deserves to be allowed.

12. Hence, I pass the following order :-

ORDER

- a. First Appeal is allowed partly.
- b. The appellants shall be entitled to receive rate of Rs.3963/- per Are for dry 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 Section 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 Proceeding be sent back to the Reference Court.
- g. The appellants shall pay deficit court fees.
- h. Award be drawn accordingly.

[SHAILESH P. BRAHME]
JUDGE

arp/