



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

144 CIVIL APPLICATION NO. 2358 OF 2026
IN FAST/3992/2026

BAPURAO APPARAO GAYKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, PARBHANI
AND OTHER

...

Advocate for Applicant : Mr. Bhise Vitthal Dnyanoba
AGP for Respondent nos. 1 & 2 : Mr. S. N. Morampalle
Advocate for Respondent No. 3 : Mr. B. R. Surwase

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CORAM : SHAILESH P. BRAHME, J.

DATE : 23.03.2026

PER COURT :

CIVIL APPLICATION FOR DELAY CONDONATION :

1. Learned counsel Mr. Surwase tendered on record Vakalanatnama on behalf of respondent-Acquiring Body.
2. Heard both sides.
3. The applicant seeks to condone delay of 3906 days in preferring the appeal. The averments of the application have not been controverted, albeit the claim is contested by the respondent-Acquiring Body. The applicant is ready to give up interest and statutory benefits for the delayed period.
4. For the reasons stated in the application, it is desirable to condone delay.
5. The delay stands condoned on condition that the applicant shall not be entitled to interest and statutory benefits for the delayed period.

6. Civil Application is disposed of.

FIRST APPEAL (STAMP) :

7. Taken up for final disposal with the consent of the parties.

8. The judgment and award passed by the reference court is in question in first appeal on the ground of parity. The appellant has placed on record common judgment and award dated 18.02.2026 passed in similarly situated matter arising out of the acquisitions of the lands from self same village i.e. Salegaon Tq. Sailu, Dist. Parbhani.

9. Learned counsel Mr. Surwase opposes the submissions and ground of parity. It is submitted that no case is made out for further enhancement in compensation.

10. Appellant's land from village Salegaon stood acquired vide notification date 13.07.2005 for Nimna Dudhna Project. This Court has been consistent in awarding rate of Rs. 2500/- per Are for dry land, Rs. 5000/- per Are for irrigated land. All aspects of the matter are dealt with in group of matters in **Pralhad Annasaheb Nirwal vs. State of Maharashtra and others in First Appeal No.1778 of 2024 with connected matters on 11.12.2025.** The appellant is claiming parity, as in the present case Reference Court enhanced the rate from Rs. 990/- per Are to Rs. 2250/- per Are treating the land as dry land.

11. I have gone through the common order dated 18.02.2026. Present case is squarely covered by the view taken by this Court in the matter referred above as well as in the appeals decided by common order. The appellant is entitled to receive rate of Rs. 5869/- per Are considering the benefits of escalation by cumulative effect. I, therefore, pass following order.

ORDER

- a. First Appeal is allowed partly.
- b. The appellant shall be entitled to receive rate of Rs. 5,869/- per Are for dry land.
- c. The appellant shall not be entitled to the interest and statutory benefits for the delayed period.
- d. The appellant shall be entitled to the interest under Section 28 and 34 of the Land Acquisition Act, 1894 as per Full Bench judgment in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari** (supra).
- e. Save and except above modification, the impugned judgment and award shall stand unaltered.
- f. The appellant shall pay deficit court fees.
- g. Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

mkd/-