IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.2502 OF 2005

The State Of Maharashtra And Ors. ...Appellants

Vs.

Krishna Hasha Govari And Ors. ...Respondents

WITH
CROSS OBJECTION (ST) NO.8624 OF 2006
IN
FIRST APPEAL NO.2502 OF 2005

The State Of Maharashtra And Ors. ...Petitioners

Vs.

Krishna Hasha Govari And Ors. ...Respondents

WITH
INTERIM APPLICATION (ST) NO.31615 OF 2025
IN
FIRST APPEAL NO.2502 OF 2005

Krishna Hasha Govari And Ors. ...Applicants

In the matter between:
The State Of Maharashtra And Ors. ...Petitioners

Vs.

Krishna Hasha Govari And Ors. ...Respondents

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Mr. A. R. Patil	Addl. G. P. for the Appellant.
Ms.Tanvi Pathak i/b Mr. SachinHande	Advocate for the Respondent.

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CORAM : S. M. MODAK, J.

DATE : 1st OCTOBER 2026

P. C. :-

INTERIM APPLICATION (ST) NO.31615 OF 2025

1. Heard both the sides.

2. Appeal was dismissed for non-prosecution as per the order dated 9th March 2006. Now it is the Respondents only who are praying to restore the appeal. Application is allowed in terms of prayer clauses (a) to (c).

FA NO.2502 OF 2005 AND CROSS -OBJECTION (ST) NO.8624 OF 2006

3. Heard learned AGP and learned Advocate for the Respondents. The enhancement done by the Reference Court as per the common judgment dated 5 October 2004 is under challenge at the instance of the State. In this Appeal we are concerned with LAR No.83/2002. The

market value fixed by the Reference Court is at the rate of Rs.27/- and the area acquired was 1730 square meters.

4. Learned Advocate for the Respondent has placed on record, a copy of order dated 9 September 2017 passed by LokAdalat wherein the submission made by learned AGP that they are ready to offer market value at the rate of Rs.25/- per square meter was recorded. The matter could not be settled because the claimant sought time. Today on the basis of instructions received the learned Advocate submitted that they are ready to accept the rate of Rs.25/- per square meter. In view of that, judgment needs to be modified for these LARs. Hence the order:

ORDER

i. The State shall pay market value as per Section 23(1) at the rate of Rs.25/- per square meter for 1730 square meters.

ii. The Respondents are entitled to all statutory benefits calculated at the rate of Rs.25/- per square meter.

iii. The State is entitled for refund of the amount in excess of the rate of Rs.25/- per square meter.

iv. The Reference Court to pay compensation calculated at the rate of Rs.25/- per square meter and other benefits.

v. If the claimants have withdrawn the amount at the rate of Rs.27/- per square meter, they are directed to re-deposit the amount after fixation is made at the rate of Rs.25/- per square meter along with the prevalent bank rate and that amount to be returned to State.

5. Appeal is disposed of. Cross-Objection is also disposed of.

[S. M. MODAK, J.]