



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO.171/2026

IN

MISCELLANEOUS CIVIL APPLICATION STAMP NO.4752/2026

IN

CROSS OBJECTION (XOB) NO.13/2018

IN

FIRST APPEAL NO.167/2017 (D)

(Executive Engineer, Lower Wardha Project Division, Wardha Vs. Gajanan Ramkrushnaji Khonde and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C.R. Najbile, Advocate for the Applicant/Respondent No.1.
Mr. S.K. Bhoyar, Advocate for the Appellant.
Mr. Bhagwan M. Lonare, A.G.P. for the Respondent Nos.2 and 3.

CORAM: NEERAJ P. DHOTE, J.

DATED: 24.2.2026.

Heard the learned Advocate for the Acquiring Body, the learned Advocate for the Claimant and the learned A.G.P. for the Respondent Nos.2 and 3.

2. The Appeal Filed by the Acquiring Body was dismissed for want of paper book.

3. The learned Advocate for the Claimant submits that, the Claimant has also preferred Cross Objection. He submits that, the subject matter is covered by the decision dated 12.02.2026 of this Court in First Appeal No.754/2019 wherein the rate of Rs.6,311/- per orange tree is granted.

4. This an Application for condonation of 1108 days delay for restoration of the Cross Objection. After hearing both the sides, the Application is allowed.

5. In view of the above, the Appeal preferred by the Acquiring Body along with Cross Objection preferred by the Claimant are restored on the file.

6. The Acquiring Body has preferred the Appeal against the judgment and award dated 12.01.2016 passed by the learned Reference Court in L.A.C. No.42/2008. There is no dispute that, the enhanced compensation granted by the learned Reference Court is within four times of the compensation determined by the S.L.A.O. Thus, the Appeal to the extent of enhanced compensation for the land, which is within four times, needs no consideration. The learned Reference Court has awarded the rate of Rs.4,220/- towards orange trees. The copy of the decision dated 12.02.2026 passed by this Court in First Appeal No.754/2019 shows that, for the orange tress on the acquired land from the same village rate of Rs.6,311/- per orange tree has been awarded in view of the earlier decisions of this Court. There is no dispute on this aspect. Therefore, on the ground of parity, the amount awarded by the learned Reference Court needs modification. Hence, the following order:-

ORDER

- i) The Appeal preferred by the Acquiring Body is dismissed with no order as to costs.
- ii) The Cross Objection preferred by the Claimant is partly allowed.
- iii) The Claimant shall be entitled to receive the amount of enhanced compensation from the Acquiring Body in respect of 316 orange trees at the rate of 6,311/- per orange tree.

- iv) The Acquiring Body to deposit the amount towards enhanced compensation in the office of this Court within a period of four months. Thereafter, Claimant will be entitled to withdraw the same after following due procedure.
- v) Appeal stands disposed of accordingly.
- vi) The balance amount deposited by the Acquiring Body under the award in this Court is allowed to be withdrawn by the Claimant by following due procedure.
- vii) Pending Civil Applications, if any, also stand disposed of.

(NEERAJ P DHOTE, J.)