



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 FIRST APPEAL NO. 1135 OF 2009

The State of Maharashtra and another
VERSUS
Keshav Yeshwant Kulkarni (died through L.Rs.)

...
A.G.P. for Appellant : Mr. S.G. Joshi
Advocate for Respondents-claimants : Mr. V.V. Ingale

.....
WITH
X-OBJECTION NO. 30 OF 2026

Keshav Yeshwant Kulkarni (died through L.Rs.)
VERSUS
The State of Maharashtra and another

...
Advocate for the Petitioner : Mr. V.V. Ingle
AGP for Respondents: Mr. S.G. Joshi

AND
925 FIRST APPEAL NO. 2251 OF 2010

State of Maharashtra and others
VERSUS
Shankar Shivling Chiloba Died Lrs and others

...
A.G.P. for Appellant : Mr. D.J. Patil
Advocate for Respondents-claimants : Mr. Shashikiran N. Patil

.....
WITH
X-OBJECTION NO. 128 OF 2025
IN FA/2251/2010

Shankar Shivling Chiloba Died Lrs Sundrabai Died Thr Lrs
Shivlingappa Died Thr Lrs Sarubai and others
VERSUS

The State of Maharashtra Thr. Collector Osmanabad and others

...
Advocate for the Petitioner : Mr. Shashikiran N. Patil
AGP for Respondents: Mr. D.J. Patil
.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 5th FEBRUARY, 2026

PER COURT :-

1. The First Appeal No. 1135 of 2009 is preferred against the impugned judgment and award passed by the learned Reference Court, Omerga, District Osmanabad, in L.A.R. No. 161 of 2004, dated 09.08.2005 whereas the first appeal No. 2251 of 2010 is preferred against the impugned judgment and award passed by the learned Reference Court, Osmanabad, in L.A.R. No. 447 of 1997, dated 01.09.2003. The claimants have also filed cross objections for enhancement of compensation for their acquired lands.

2. The learned Reference Court awarded the compensation to the claimants at the rate of Rs.35,000/- per acre i.e. Rs. 875/- per Acre in first appeal No. 1135 of 2009 and at the rate of Rs.40,000/- per Acre i.e. Rs.1000/- per Acre in first appeal No.2251 of 2010. The learned A.G.P. for the appellants and the respondents-claimants pointed out the pleadings, evidence, grounds of objections and the impugned judgment and award passed by the learned Reference Court and submitted that by judgment of this Court in first appeal No. 18 of 2006 and other connected appeals and cross objections, dated 19.01.2026, this Court on merit awarded the compensation at the rate of Rs.60,000/- per Acre by holding that the lands of the claimants are

Jirayat lands. They submitted that the lands involved in the said appeals and the present appeals are from one and the same acquisition proceedings and therefore, same rate can be awarded to the claimants, who have filed cross objections in these first appeals, on the principle of parity.

3. Learned advocates for the claimants pointed out that the lands of the claimants are seasonal irrigated and irrigated lands and it is substantiated by 7x12 extracts. The learned advocate for the claimants prayed for awarding the compensation on the principle of parity in view of the judgment delivered by this Court in first appeal No. 18 of 2006 and other connected appeals and the cross objections therein.

4. In view of the reasons given in the judgment dated 19.01.2026, delivered in first appeal No. 18 of 2006 and other connected appeals, the first appeal Nos. 1135 of 2009 and 2251 of 2010 deserve to be dismissed and the cross objection Nos. 30 of 2026 and 128 of 2025 deserve to be allowed. The claimants in cross objection No. 30 of 2026 are entitled for the enhanced amount of compensation @ Rs.90,000/- per acre as their lands are seasonally irrigated and the claimants-cross objectors in cross objection No. 128 of 2025 are entitled for the enhanced amount of compensation @

Rs.1,20,000/- per acre, as their lands are irrigated. The impugned judgments and award deserve to be set aside. Hence, the following order:-

O R D E R

- I. Both the first appeals are dismissed.
- II. The impugned judgments and award of the Reference Court are partly set aside and modified as under:-
- III. The cross objection Nos. 30 of 2026 and 128 of 2025 are allowed and it is held that the claimants-cross objectors in cross objection No. 30 of 2026 are entitled for the enhanced amount of compensation @ Rs.90,000/- per acre and the claimants-cross objectors in cross objection No. 128 of 2025 are entitled for the enhanced amount of compensation @ Rs.1,20,000/- per acre, as their lands are seasonally irrigated and irrigated, respectively, with all statutory benefits i.e. solatium, interest and components etc.
- IV. The claimants in cross objections are entitled for the

interest at the rate of 9% p.a. from the date of notification i.e. 21.04.1988 and 29.12.1987, in the respective matters, for a period of one year and thereafter till passing of the award i.e. 20.12.1992, at the rate of 15% p.a.

V. It is clarified that the cross objections were filed subsequently and there was delay caused for filing the cross objections, which was condoned by this Court on the condition that the claimants shall not claim interest for the delayed period. Therefore, the claimants are not entitled for statutory benefits i.e. solatium, interest and components etc. for delayed period.

VI. The State Government is directed to deposit the enhanced amount of compensation within 12 weeks from today with accrued interest, if any, in this Court.

VII. The claimants shall deposit the amount of deficit court fees, if any.

VIII. The record and proceedings be sent back.

(SANJAY A. DESHMUKH, J.)