

**IN THE NATIONAL LOK ADALAT
PRESIDED OVER BY HON'BLE SHRI JUSTICE SHRIKANT D.
KULKARNI,
HELD ON 12th DECEMBER, 2020
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE,
AT AURANGABAD**

**15 CIVIL APPLICATION NO.5795 OF 2015
IN
F.A.ST.No.9697/2015**

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
BASWARAJ SHIVLING BIRADAR AND ANR. ...Respondents

**WITH
CIVIL APPLICATION NO.5796 OF 2015
IN
F.A.ST.No.9697 OF 2015**

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
BASWARAJ SHIVLING BIRADAR AND ANR. ...Respondents

**AND
16 CIVIL APPLICATION NO.9173 OF 2016
IN
F.A.ST.No. 14284/2016**

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
ANANDA VITHOBA BALDE AND ANR ...Respondents

**WITH
CIVIL APPLICATION NO.9178 OF 2016
IN
F.A.ST.No. 14310/2016**

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
TUKARAM ABHANGRAO BHANDE AND ANR ...Respondents

**WITH
CIVIL APPLICATION NO.9175 OF 2016
IN
F.A.ST.No. 14314/2016**

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
DAGDU HAIBATI BHOSLE ...Respondent

WITH
CIVIL APPLICATION NO.9177 OF 2016
IN
F.A.ST.No. 14310/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
TUKARAM ABHANGRAO BHANDE AND ANR ...Respondents

WITH
CIVIL APPLICATION NO.9176 OF 2016
IN
F.A.ST.No. 14314/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
DAGDU HAIBATI BHOSLE ...Respondent

WITH
CIVIL APPLICATION NO.9174 OF 2016
IN
F.A.ST.No. 14284/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
ANANDA VITHOBA BALDE AND ANR ...Respondents

AND
17 CIVIL APPLICATION NO.5748 OF 2015
IN
F.A.ST.No. 9692/2015

THE STATE OF MAHARASHTRA AND OTHERS ..Applicants
V E R S U S
TUKARAM SHESHERAO KENDRE ...Respondent

CIVIL APPLICATION NO.5749 OF 2015
IN
F.A.ST.No. 9692/2015

THE STATE OF MAHARASHTRA AND OTHERS ..Applicants
V E R S U S
TUKARAM SHESHERAO KENDRE ...Respondent

AND

18 CIVIL APPLICATION NO.8841 OF 2016

IN

F.A.ST.No. 13906/2016

THE STATE OF MAHARASHTRA AND OTHERS

..Applicants

V E R S U S

VIJAYKUMAR TULSHIRAM KARLE

...Respondent

WITH

CIVIL APPLICATION NO.8842 OF 2016

IN

F.A.ST.No. 13906/2016

THE STATE OF MAHARASHTRA AND OTHERS

..Applicants

V E R S U S

VIJAYKUMAR TULSHIRAM KARLE

...Respondent

WITH

CIVIL APPLICATION NO.8843 OF 2016

IN

F.A.ST.No. 13909/2016

THE STATE OF MAHARASHTRA AND OTHERS

..Applicants

V E R S U S

MADHAV MASNA KARLE

...Respondent

WITH

CIVIL APPLICATION NO.8844 OF 2016

IN

F.A.ST.No. 13909/2016

THE STATE OF MAHARASHTRA AND OTHERS

...Applicants

V E R S U S

MADHAV MASNA KARLE

...Respondent

AND

19 CIVIL APPLICATION NO.7797 OF 2016

IN

F.A.ST.No. 15104/2016

THE STATE OF MAHARASHTRA AND OTHERS

..Applicants

V E R S U S

ANNARAO MASNAJI BIRADAR

...Respondent

WITH

F.A.ST.No. 15161/2016

WITH
CIVIL APPLICATION NO.7799 OF 2016
IN
F.A.ST.No. 15158/2016

WITH
APPLICATION NO.7801 OF 2016
IN
F.A.ST.No. 15161/2016

WITH
CIVIL APPLICATION NO.7812 OF 2016
IN
F.A.ST.No. 15154/2016

WITH
CIVIL APPLICATION NO.7803 OF 2016
IN
F.A.ST.No. 15164/2016

WITH
CIVIL APPLICATION NO.7809 OF 2016
IN
F.A.ST.No. 15167/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
 KHIRUBAI FAKRU RATHOD ...Respondent

WITH
 CIVIL APPLICATION NO.7817 OF 2016
IN
 F.A.ST.No. 15154/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
 KALYANRAO MASNAJI BIRADAR ...Respondent

WITH
 CIVIL APPLICATION NO.7806 OF 2016
IN
 F.A.ST.No. 15164/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
 TUKARAM SAKAHARAM RATHOD ...Respondent

WITH
 CIVIL APPLICATION NO.7808 OF 2016
IN
 F.A.ST.No. 15167/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
 KHIRUBAI FAKRU RATHOD ...Respondent

WITH
 CIVIL APPLICATION NO.7798 OF 2016
IN
 F.A.ST.No. 15104/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
 ANNARAO MASNAJI BIRADAR ...Respondent

WITH
 CIVIL APPLICATION NO.7800 OF 2016
IN
 F.A.ST.No. 15158/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S

BABURAO MASNAJI BIRADAR ...Respondent

AND
20 CIVIL APPLICATION NO.8855 OF 2016
IN
F.A.ST.No. 14287/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
MANIK MADHAVRAO METAGE ...Respondent

WITH
CIVIL APPLICATION NO.8857 OF 2016
IN

F.A.ST.No. 14301/2016
THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
ABDUL RASHID KAMRANDDIN ...Respondent

WITH
CIVIL APPLICATION NO.8861 OF 2016
IN
F.A.ST.No. 14305/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
PANDHARINATH RAMRAO MANE AND ANR ...Respondents

WITH
CIVIL APPLICATION NO.8859 OF 2016
IN
F.A.ST.No. 14296/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
MADHAV RAMRAO MANE ...Respondent

WITH
CIVIL APPLICATION NO.8856 OF 2016
IN

F.A.ST.No. 14287/2016
THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
MANIK MADHAVRAO METAGE ...Respondent

WITH
CIVIL APPLICATION NO.8858 OF 2016

IN

F.A.ST.No. 14301/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
ABDUL RASHID KAMRANDDIN ...Respondent

WITH

CIVIL APPLICATION NO.8860 OF 2016

IN

F.A.ST.No. 14296/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
MADHAV RAMRAO MANE ...Respondent

WITH

CIVIL APPLICATION NO.8862 OF 2016

IN

F.A.ST.No. 14305/2016

THE STATE OF MAHARASHTRA AND OTHERS ...Applicants
V E R S U S
PANDHARINATH RAMRAO MANE AND ANR ...Respondents

21 FIRST APPEAL NO.3433 OF 2017

WITH

CIVIL APPLICATION NO.16614/2015

THE STATE OF MAHARASHTRA AND OTHERS ...Appellants
V E R S U S
NILKANTH GNYANOBA PATIL ...Respondent

...

Mr. A.M.Phule, A.G.P. for the appellants/State
Mr. G.K.Sontakke, learned advocate for the respondent/s

...

O R D E R

1. These matters are placed before us in today's National Lok Adalat. These applications for condonation of delay are preferred by the appellants/State.

2. Mr.Sontakke, learned Advocate for the respondent/s/original claimant/s is present before the Panel and submits that he has no objection to condone the delay in respective matters.

3. In view of the above submissions of the learned AGP and learned Advocate for the respondent/s/original claimant/s, the delay stands condoned and respective applications stand allowed. The Registry is directed to register appeal as per the rules forthwith.

4. So far as the appeal proceedings are concerned, it is submitted by Mr.Phule, learned AGP for the appellants/State that the dispute between the parties is regarding award of interest to the claimants under Section 28 of the Land Acquisition Act, 1894. He also submits that as per the decision rendered by the Bombay High Court, Bench at Nagpur reported in **The State of Maharashtra V/s. Tukaram Meshram and Another [2018(1) All M.R. 645]**, the respondent/s is/are entitled to get interest under Section 28 of the L.A.Act, 1894 from the date of award passed by the SLAO and accordingly, the award needs to be modified. Mr.Sontakke, learned Advocate for the respondent/s /original claimant/s submits that he has no objection to modify the award as per decision in the **Tukaram Meshram**

(*supra*).

5. In view of submissions of the learned counsel for both the sides and proposition of law in **Tukaram Meshram** (*supra*), the Registry is directed to modify the award passed by the reference Court to the extent of award of interest under Section 28 of the Land Acquisition Act, 1894.

6. The appellants shall submit chart in terms of compromise within 45 days. The original claimants shall make endorsement about its correctness.

7. The Registry is also directed to make calculations and after making calculations of awarding of interest under Section 28 of the L.A. Act, 1894 and after modification of award, the amount of compensation be disbursed to the respective respondent/s/original claimant/s.

8. Appellants/Acquiring Body shall deposit the amounts as per the modified award within one year from today and thereafter, the Registry to make the payment along with the interest awarded under Section 28 of the L.A. Act, 1894 to the respective respondent/s/original claimant/s accordingly.

9. The First Appeals are disposed of in terms of compromise.

10. Pending the civil application/s, if any, is/are disposed of.

11. The court fee refund certificate be issued to the appellants/State as per the rules.

12. Parties to bear their own costs.

(S.P. BRAMHE)
ADVOCATE
Member

(S.G. SHETE)
DIST.JUDGE(Retd.)
Member

(SHRIKANT D. KULKARNI)
JUDGE
HEAD OF THE PANEL

Date : 12th December, 2020
Place: Aurangabad

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