

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**908 REVIEW APPLICATION (CIVIL) NO.200 OF 2019
IN WP/6576/2018**

KIRAN ASHOK PATIL AND ANOTHER ..APPLICANTS

VERSUS

MAHARASHTRA STATE ROAD DEVELOPMENT CORPORATION AND
OTHERS ..RESPONDENTS

...
Mr. Sanket S. Kulkarni, Advocate for the
Applicants.
Mr. S. G. Karlekar, AGP for Respondents-State.
Mr. S. V. Adwant, Advocate for Respondent No.1.
...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 13th MARCH, 2020.

PER COURT:-

1. Heard Mr. Kulkarni, learned counsel for the applicants and Mr. Adwant, learned counsel for non-applicants.

2. Mr. Kulkarni, learned counsel submits that review of the order passed by this Court dated 09.04.2019 in Writ petition No.6576/2018 is sought on limited grounds that is grant of interest on the undisputed amount.

3. Under order dated 09.04.2019 we had disposed of the writ petition giving liberty to

applicants to approach the Civil Court or any other competent authority for redressal of their grievance with regard to the compensation for the trees.

4. Now review applicants contend that the undisputed amount was also not paid though the sale deed was executed. The non-applicant is a Statutory Body. The applicants would be entitled for the interest as contemplated under the Right to Fair Compensation Act, more particularly Section 80.

5. Mr. Adwant, learned counsel submits that the land is purchased by non-applicants under the sale deed. The parties on their own volition executed the sale deed. The provision of Right to Fair Compensation Act would not apply.

6. It appears that, the non-applicants had purchased the property from the applicants pursuant to the registered sale deed. The liability is contractual and not statutory. It is not a case of acquisition under the provision of Right to Fair Compensation Act or any other statute so as to invoke provision of the same.

7. As the liability is purely contractual and the applicants already approached the Civil Court for claiming amount of compensation with regard to the disputed amount, the applicants if it is

permissible may take steps claiming interest. All contentions of parties kept open.

8. Review Application is disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/March-2020