

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

**911 REVIEW APPLICATION (STAMP) NO.34627 OF 2019
IN WP/8568/2018**

BIJALABAI BHAGINATH NIGHOTE ..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Mahesh K. Bhosle, Advocate for the Applicant.
Mr. S. G. Karlekar, AGP for Respondents-State.
Mr. S. V. Adwant, Advocate for Respondent Nos.2 and
3.

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

DATED : 13th MARCH, 2020.

PER COURT:-

1. Mr. Bhosle, learned counsel for review applicant submits that in fact the compensation is computed on the basis of the principles enumerated under Right to Fair Compensation Act. The possession is delivered on the date of execution of the sale deed, however, the amount of compensation is not paid for a period of one year. As far as undisputed amount is concerned, the applicant is entitled for interest as provided under Section 80 of the Right to Fair Compensation Act.

2. Mr. Adwant, learned counsel for non-applicants submits that by way of sale deed property purchased by the non-applicants from the

applicant. There was dispute amongst the parties about the situation of the property. The provision of Section 80 would not apply to the present transaction.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. The non-applicants have filed Civil Suit. We had directed the non-applicants herein to pay the amount as per the sale deed within three months. The sale deed does not contain recital of interest. The acquisition is not by way of Award, but under the sale deed. If the applicant wants to seek any relief with regard to the sale deed executed, then the applicant has remedy available under the Specific Relief Act.

5. The applicant may avail the remedy as may be permissible in law.

6. Review Application as such is disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE