

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

220 FIRST APPEAL No.326/2019

THE STATE OF MAHARASHTRA AND OTHERS ...Appellants
V E R S U S
DYANOBA BABURAO KANDANGIRE ...Respondent

...

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

...

O R D E R

1. This appeal proceeding is placed before us in today's National Lok Adalat. Mr. Phule, learned AGP for the appellants/State submits withdrawal pursis. Mr. Sontakke, learned Advocate for the respondent/original claimant has no objection to withdraw the appeal. Mr.Phule submits that the dispute between the parties to the extent of award of interest 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 **2018 (Vol.1) All M.R. Page No.645, The State of Maharashtra V/s. Tukaram Meshram and Another**, the respondent is entitled to get interest under Section 28 of the L.A.Act, 1894 from the date of award passed by the SLA0 and accordingly, the award needs to be modified.

Mr.Sontakke, learned Advocate for the respondent/original claimant submits that he has no objection to modify the award to the extent of interest in view of decision in the **Tukaram Meshram** (*supra*).

2. In view of the submissions of the learned counsels for both the sides and also in view of the judgment rendered by the Bombay High Court, Bench at Nagpur, in **2018 (Vol.1) All M.R. Page No.645, The State of Maharashtra V/s. Tukaram Meshram and Another**, 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.

3. The appellants shall file chart showing details of their liability as per this compromise. The respondents/original claimants shall endorse thereon about its correctness. 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 respondent/original claimant.

4. 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 of compensation along with interest awarded under Section 28 of the L.A. Act, 1894 to the respective respondent/original claimant accordingly.

5. The Appeal stands disposed of as withdrawn.

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

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

8. 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

sarowar