

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

**CIVIL APPLICATION NO.8942 OF 2021 IN
FIRST APPEAL ST. NO.21251 OF 2021**

The State of Maharashtra & anr. ... APPLICANTS

VERSUS

Janardhan s/o Pundlik Muskawad & anr. ... RESPONDENTS

.....
Mr. S.S. Dande, A.G.P. for applicants
Mr. S.V. Gundre, Advocate for respondent No.1.
.....

AND

CA NO.8944/2021 IN FA ST. NO.21244/2021,
CA NO.8940/2021 IN FA ST. NO.20919/2021
.....

CORAM : R. G. AVACHAT, J.

DATE : 3rd DECEMBER, 2021

PER COURT :

Heard. There is delay of 2379 days in filing the appeals. It, however, appears that, the Reference Court has awarded interest from the date of notification under Section 4 of the Land Acquisition Act and not from the date of award. The same is in breach of the Full Bench judgment in case of **State of Maharashtra Vs. Kailash Shiva Rangari [2016(3) Mh.L.J. 457]**. In view of the same, the applications are

allowed. Delay condoned. Appeals be registered.

2. After registration of appeals, issue notice to respondents returnable on 25th February 2022. Notice shall be for hearing the appeals finally at admission stage on the next date. Mr. Gundre, learned counsel waives service for respondent No.1.

3. It is informed that, the respondent No.1 Pralhad Tulshiram Muskawad in Civil Application No.8940/2021 has passed away pending the applications. Learned counsel for the appellant to note and take necessary steps to bring on record legal representatives of the deceased respondent No.1.

4. Call for record and proceedings.

**(R. G. AVACHAT)
JUDGE**

fmp/-