

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

FIRST APPEAL NO. 2590 OF 2010

THE EXECUTIVE ENGINEER,
MAJALGAON CANAL DIVISION NO.5,
PARLI VAIJNATH, DISTRICT BEED
VERSUS
GANGADHAR TULSHIRAM SHE AND OTHERS

....
Advocate for the appellant : Mr. D. A. Bide h/f
Mr. R. C. Patil
AGP for Respondent Nos. 1 to 3 : Mr. P. M. Kulkarni
....

FIRST APPEAL NO. 2591 OF 2010

THE EXECUTIVE ENGINEER,
MAJALGAON CANAL DIVISION NO.5,
PARLI VAIJNATH, DISTRICT BEED
VERSUS
SAGJANABAI BABURAO SHEP
AND OTHERS

....
Advocate for the appellant : Mr. D. A. Bide h/f
Mr. R. C. Patil
AGP for Respondent No.2 : Mr. A. B. Chate
Advocate for respondent No.1 : Mr. A. V. Thombre h/f
Mr. S. B. Solanke
....

FIRST APPEAL NO. 2592 OF 2010

THE EXECUTIVE ENGINEER,
MAJALGAON CANAL DIVISION NO.5,
PARLI VAIJNATH, DISTRICT BEED
VERSUS
SUGRIV GANGARAM SHE AND ANOTHER

....
Advocate for the appellant : Mr. D. A. Bide h/f
Mr. R. C. Patil
AGP for Respondent No.2 : Mr. A. B. Chate
Advocate for respondent No.1 : Mr. A. V. Thombre h/f
Mr. S. B. Solanke
....

CORAM : S. G. DIGE, J.
DATE : 20.09.2022

PER COURT :-

1. These appeals are preferred against the common judgment passed by 3rd Ad-hoc District Judge, at Ambegoai, District Beed (for short, " the Reference Court").

2. Learned counsel for the appellant fairly submitted that the Reference Court has granted compensation which is within four times. Learned counsel further submits that the Reference Court has granted interest on the compensation amount from the date of possession however as per view taken by full bench of this Court in the case of **State of Maharashtra Vs. Kailash Shiva Rangari** reported in **2016 [3] Mh.L.J. 457**, it should be from the date of award. Hence requested to allow the appeal.

3. Learned counsel for respondent submits that he is ready to accept the order passed by this Court.

4. The compensation amount awarded by Reference Court falls within four times. The Government has taken a stand by issuing Government circular that appeal should not be preferred in such matters. The disputed issue is in respect of interest awarded by the Reference Court. Full bench of this Court in Kailash Shiva Rangari (supra) has held that interest should be given on compensation amount from the date of award and not from the date of possession. In the present matter, the interest is given from the date of possession, it should be from the date of award. In view of the above, I pass the following order

ORDER

- (i) Appeal is partly allowed.
- (ii) The award passed by the Reference Court is modified as under :-
- (iii) The respondents are entitled for interest on the compensation amount from the date of award.
- (iv) The respondent's are permitted to withdraw the amount deposited by appellant.
- (v) No order as to costs.

**(S.G. DIGE,)
JUDGE**

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