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

3 WRIT PETITION NO.1193 OF 2023

DINKAR MANIKRAO KULKARNI, DECEASED, THROUGH LRS
MANDAKINI DINKAR KULKARNI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR AND OTHERS

....
Mr L. C. Patil, Advocate for Petitioners;
Mr S. K. Tambe, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 5th June, 2023

PER COURT:

1. We have considered the submissions of the learned Advocate for the Petitioners. In light thereof, we have perused Section 28 of the Land Acquisition Act, 1894. The grievance of the Petitioners is, that the learned Court, which passed an order in L.A.R. No.192/2008, has failed in granting 15% interest in terms of the proviso to Section 28 and has committed an error. It is, therefore, prayed that the said judgment needs to be modified to that extent.

2. Since the Petitioners have a remedy of preferring a First Appeal, subject to the law of limitation/delay or laches, we

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do not find that this Petition can be entertained. The same is, therefore, disposed off, with liberty to the Petitioners to avail of a remedy as permissible in law.

3. In the event of delay, the time spent by the Petitioners in this Court from the date of the filing of the petitioner, which is 19/10/2022, till the passing of this order, would be a ground for condonation of delay.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk