



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

5 FIRST APPEAL NO. 435 OF 2023
THE EX. ENGINEER MINOR IRRIGATION DIVISION, OSMANABAD
VERSUS
RAMCHANDRA SOPAN CHAVAN AND ORS.
WITH
CIVIL APPLICATION NO. 3242 OF 2024
IN FA/435/2023

Mr.A.D. Gadekar, Advocate for the appellant.
Ms.Mrunal Andhare h/f. Mr.A.B. Kale, Advocate for the respondent-claimant.
Mr.V.M. Chate, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATED : 18.07.2024

PC :-

01. Heard learned Advocates for the parties for some time. Both the parties have produced on record copy of order dated 05.08.2021 passed by this Court in First Appeal No.1311 of 2020 with connected matters, in which this Court had modified the award by modification in clause 5 in respect of grant of interest. The clause is in respect of award of interest from a particular date. The Reference Court had granted interest from the date of taking over actual possession and the same was modified by granting interest from the date of award.

02. In similar order passed on 30.03.2023 in First Appeal No.437 of 2023 with connected matters, this Court had modified the award to the extent of awarding interest from the date of award instead of the date of possession.

03. Both the parties submit that present appeal also can be disposed off conveniently in the above terms. In the present case also the learned Reference Court has granted interest under section 28 of the Land Acquisition Act from the date of possession, which needs to be from the date of award. Thus, in clause Nos. 6 and 7 of the impugned judgment and award, the date 20.08.2004 shall be replaced by 17.04.2006.

04. With this, the appeal stands allowed and is disposed off. The award be modified accordingly by correcting the date.

05. It is submitted that the compensation amount is deposited in this Court by the appellant-acquiring body, as a condition towards stay. Said amount be disbursed to the respondents-claimants by refunding the difference amount of interest to the Acquiring Body.

06. Since, this Court has disposed off the appeal itself, nothing survives in the Civil Application for withdrawal of amount and same is accordingly disposed off.

[KISHORE C. SANT, J.]