



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5267 OF 2024

Executive Engineer, Minor Irrigation Division, Akola
Vs.

Golusingh Tukaram Rathod (since dead), thr. its legal heirs Sundarabai wd/o
Golusingh Rathod and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. J.B. Kasat, Advocate for petitioner.
Mr. A.G. Mate, AGP for respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 10.12.2024.

This petition takes exception to the order dated 20.07.2024 passed by the learned Civil Judge Senior Division, Washim below Exhibit 1 in MANRJI No.1/2023.

2. Respondent Nos.1 to 8 are the legal representatives of one Golusingh Tukaram Rathod. The said Golusingh Rathod had filed reference under Section 18 of the Land Acquisition Act.

3. By judgment and order dated 03.12.2009, the learned Civil Judge (Senior Division), Washim allowed the said reference. The operative part of the

order passed by the learned Reference Court reads thus:

“1. Application is allowed.

2. The applicant is entitled for Rs.9,51,617/- as a enhance compensation.

3. Non applicant directed to pay the interest @ 15% from the date of decree till realization of amount.

4. Decree be drawn accordingly.”

4. By the order impugned the learned Reference Court has rejected the application filed by the present petitioner for correction of the award.

5. The learned counsel for the petitioner *inter alia* submits that the learned Reference Court erred in granting interest on amount of solatium.

6. Admittedly, the application in question was filed under Section 152 of the Civil Procedure Code. By no stretch of imagination the correction sought can be said to be arithmetical or clerical error. The petition is dismissed.

(N.R. BORKAR, J.)