



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

52 FIRST APPEAL NO. 429 OF 2023
WITH
CIVIL APPLICATION NO. 3848 OF 2025
IN FA/429/2023

THE EX. ENGINEER, MINOR IRRIGATION DIVISION OSMANABAD
VERSUS
SHARAD DATTATRAYA DESHPANDE DIED THROUGH LRS LAXMIBAI DIED
THROUGH LRS RAJNI AND ORS

...
Advocate for Appellant : Mr. Gadekar Anant D.
Advocate for Respondent nos. 1/1 to 1/5 : Ms. S.A. Kale h/f Mr. A.B. Kale
AGP for Respondents: Mrs. M. N. Ghanekar

...
CORAM : SHAILESH P BRAHME, J.

DATE : 08.12.2025

PER COURT :

Heard both sides finally at admission stage.

2. Only grievance raised by the Acquiring Body in the present appeal is that award of interest by the Reference Court in the impugned judgment and award dated 03.10.2013 is against law laid down by the full bench in the matter of **State Vs. Kailash Shiva Rangari; 2016 (3) Mh.L.J. 457**. My attention is adverted to various orders passed by coordinate bench, rectifying the date from which the interest would be payable, following the judgment of the full bench.

3. The present case is squarely covered by common order dated 5.08.2021 passed by the coordinate bench in First Appeal No. 230/2017 and connected matters. In the present case also interest was granted at 9% p.a. from 20.08.2004, which was the date of issuance of notification under Section 4 of the Act, it should have been from the date of Award

dated 17.04.2006. The impugned judgment and award needs to be rectified to that extent.

4. In that view of the matter, I pass following order :

ORDER

(a) First Appeal is allowed partly to the extent that the date '20.08.2004' mentioned in clause 6 of the operative part of the impugned judgment shall be replaced by '17.04.2006'. Rest of the judgment and Award shall stand confirmed. Award be drawn accordingly.

(b) The amount deposited in this Court with accrued interest shall be disbursed to the respondents/claimants.

(c). In terms of the modification stipulated above, the balance amount shall be refunded to the Acquiring Body.

(d) Pending Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-