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48-CA-1473-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 CIVIL APPLICATION NO. 1473 OF 2025
IN FAST/28752/2024

The Executive Engineer Latur Medium Project Latur And Anr

VERSUS

Madhukar S/o Baburao Bade

WITH

CIVIL APPLICATION NO. 1474 OF 2025
IN FAST/28752/2024

...

Mr. Vinesh Chanbasappa Solshe, Advocate for Applicant.

Mr. Namdev D. Kendre, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 29th SEPTEMBER 2025.

PC :-

1. Heard the parties.
2. This application is filed for condonation of delay of 2340 days caused in filing the first appeal.
3. For the reasons stated in the application, delay stands condoned.
Application is allowed. Office to register First Appeal.
4. With this, civil application stands disposed off.

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FIRST APPEAL

5. Heard learned Advocates for the parties.

6. It is informed by both the parties that, pursuant to the impugned judgment and award, the Acquiring Body/applicant has already deposited the amount in the Executing/Trial Court. However, while calculating the amount of interest and statutory benefits, they calculated the same from the date of award instead of date of possession, as directed by the impugned judgment and award. The appeal is filed only to the extent of awarding the interest and statutory benefits from the date of possession instead of date of award.

7. The learned Advocate for the applicant thus submits that the appeal can be allowed in view of judgment in the case of ***The State of Maharashtra Vs. Kailash Shiva Rangari¹***.

8. The learned Advocate for the claimant fairly accepts the position. He submits that now the amount deposited in the Executing/Trial Court is already withdrawn and there is no dispute about the same.

9. This Court thus finds that the First Appeal itself can be disposed

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off by modifying the impugned judgment and award. The impugned judgment and award is thus modified only to the extent of directing that the interest and statutory benefits shall be calculated from the date of possession of the land and not from the date of award.

10. With this, First Appeal stands disposed off.

11. In view of disposal of the First Appeal, nothing survives in the stay application, and the same is also stands disposed off.

12. Pending civil applications, if any, also stand disposed off.

[KISHORE C. SANT, J.]