

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.12451 OF 2025
IN
WRIT PETITION NO.5620 OF 2022**

Tukaram Jyotiram Salunkhe deceased through LHR Subhash Tukaram Salunkhe and Ors.	Applicants
IN THE MATTER BETWEEN	
Tukaram Jyotiram Salunkhe deceased through LHR Subhash Tukaram Salunkhe and Ors.	Petitioners
V/S	
State of Maharashtra and Ors.	Respondents

Ms. Amrita Kharkar i/b P. H. Potnis *for the Applicants/Petitioners.*
Ms. Savita A. Prabhune, AGP *for Respondent Nos.1 to 3/State.*

CORAM : SANDEEP V. MARNE, J.
DATE : 12 NOVEMBER 2025.

P.C.:

1. The Interim Application is filed for seeking recall of order dated 8 January 2025. It must be observed at the very outset that the prayer for recall of order dated 8 January 2025 is misconceived. What the Petitioners actually seek modification of direction in clause 7(c) of the order under which it is directed that the Petitioners shall not be entitled to any interest on the amount of enhanced compensation, in respect of period after 18 September 2008.

2. It is now urged that the restrictions for denial of interest be imposed only in respect of the period from 18 September 2008 till the

date of filing of the Petition i.e. 11 January 2022. It is contended that in other similar cases, while restricting entitlement to interest, this Court has consistently directed denial of interest only from the date of the dismissal of Reference till the date of filing of proceedings before this Court. It appears that in *Pralhad Rambhau Dhole vs. State of Maharashtra*¹ which is relied upon in order dated 8 January 2025 this Court has denied interest on the amount of enhanced compensation from the date of the judgment of the Reference Court till the date of filing of the First Appeal.

3. Considering the consistent view taken by this Court denying interest only from the date of decision of Reference till the date of filing of proceedings in this Court, in my view, similar course of action deserves to be adopted in the present case.

4. Accordingly prayer 7(c) of the order dated 8 January 2025 shall stand modified and substituted with the following:

“(c) Considering the delay in filing the Petition, Petitioners shall not be entitled to any interest on the amount of enhanced compensation, if awarded, in respect of the period from 18 September 2008 till the date of filing of the Petition i.e. 11 January 2022.”

5. Interim Application is accordingly disposed of.

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signed by
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(SANDEEP V. MARNE, J.)

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