



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 FIRST APPEAL NO. 579 OF 2025

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD AND
ANR

VERSUS

DNYANESHWAR RAJENDRA GAIKWAD MINOR UNDER GUARDIAN OF
KAMALBAI RAJENDRA GAIKWAD

...

Advocate for Appellant : Mr. Shelke Sunita Dashrathrao

Advocate for Respondent : Mr. Tanwade Vikas Suresh

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 12.01.2026

PER COURT :

Heard.

2. The Acquiring Body has preferred this appeal challenging the judgment and award passed in L.A.R. No. 260/2002. It has been pointed out by the learned counsel for the Acquiring Body that awarding of interest is not in consonance with the law laid down by the full bench in the matter of **State of Maharashtra Vs. Kailas Shiva Rangari reported in 2016(4) All MR 513**. It is fairly submitted by the learned counsel that appeals preferred by the State, who was at the relevant time was acquiring body, was dismissed by a reasoned order passed on 06.10.2015. As this Court has taken a view confirming the judgment passed by the Reference Court arising out of self same acquisition proceedings, the judicial concomitance requires that the rate fixed earlier should be accepted.

3. First Appeal is dismissed. However, the interest payable to the

respondent-claimant under Section 28 and 34 of the Land Acquisition Act shall be as per law laid down in the matter of **State of Maharashtra Vs. Kailas Shiva Rangari** (supra).

4. Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

mkd/-