IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

77 CIVIL APPLICATION NO. 12028 OF 2025
IN FAST/32457/2025

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION, OSMANABAD AND OTHERS
VERSUS
MARUTI AMBU MASTUD AND ANOTHER

WITH CIVIL APPLICATION NO. 12030 OF 2025 IN FAST/32460/2025 WITH CIVIL APPLICATION NO. 12029 OF 2025 IN FAST/32457/2025 WITH CIVIL APPLICATION NO. 12047 OF 2025 IN FAST/32484/2025 WITH CIVIL APPLICATION NO. 12055 OF 2025 IN FAST/32487/2025 WITH CIVIL APPLICATION NO. 12056 OF 2025 IN FAST/32487/2025 WITH CIVIL APPLICATION NO. 12053 OF 2025 IN FAST/32490/2025 WITH CIVIL APPLICATION NO. 12042 OF 2025 IN FAST/32478/2025 WITH CIVIL APPLICATION NO. 12043 OF 2025 IN FAST/32478/2025 WITH CIVIL APPLICATION NO. 12054 OF 2025 IN FAST/32490/2025 WITH CIVIL APPLICATION NO. 12037 OF 2025 IN FAST/32469/2025 WITH CIVIL APPLICATION NO. 12038 OF 2025 IN FAST/32472/2025 WITH CIVIL APPLICATION NO. 12039 OF 2025 IN FAST/32472/2025 WITH CIVIL APPLICATION NO. 12040 OF 2025 IN FAST/32475/2025 WITH CIVIL APPLICATION NO. 12041 OF 2025 IN FAST/32475/2025 WITH CIVIL APPLICATION NO. 12044 OF 2025 IN FAST/32481/2025 WITH CIVIL APPLICATION NO. 12045 OF 2025 IN FAST/32481/2025 WITH CIVIL APPLICATION NO. 12046 OF 2025 IN FAST/32484/2025 WITH CIVIL APPLICATION NO. 12031 OF 2025 IN FAST/32460/2025 WITH CIVIL APPLICATION NO. 12032 OF 2025 IN FAST/32463/2025 WITH CIVIL APPLICATION NO. 12033 OF 2025 IN FAST/32463/2025 WITH CIVIL APPLICATION NO. 12034 OF 2025 IN FAST/32466/2025 WITH CIVIL APPLICATION NO. 12035 OF 2025 IN FAST/32466/2025 WITH CIVIL APPLICATION NO. 12036 OF 2025 IN FAST/32469/2025

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Advocate for Applicants : Ms. Sunita Dashrathrao Shelke
AGP for Respondent/s-State : Mr. S. N. Morampalle.
Advocate for respective Respondents/Claimants in CA/12033/2025 : Mr. V. V. Ingale h/f Mr. S. D. Kaldate.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 23.01.2026

PER COURT :-

1. Heard Ms. Shelke for the applicants and Mr. Ingale holding for Mr. Kaldate in First Appeal Stamp No.32463 of 2025 for respondents/claimants. Respondents in other appeals are served but none appears.

2. It is already indicated by this Court while issuing notices to the respondents that the applications for condonation of delay as well as the merits of the first appeals are dealt with on the next date. The grievance of the applicant/acquiring body on the merits of the matters is very restricted and founded on settled legal position.

3. Applicants seek to condone delay of 2866 days in preferring first appeals. The averments of the applications have not been controverted by the respondents. There is no contest to the applications. The condonation of delay has repercussions on public exchequer. I find no reason to infer any malafides on the part of the applicants/acquiring body to prefer appeals belatedly. The delay stands condone. Civil applications for delay are allowed.

4. Learned counsel Ms. Shelke would point out paragraph No.5 of common impugned judgment and award dated 13.09.2017 to show the illegality committed by the reference Court. It is evident that award of interest is not in consonance with law laid down in the matter of ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]***. The rectification to that extent is solicited by the appellants in the appeals. There is no grievance in respect of the rest of the award.

5. First appeals are allowed partly.

6. The paragraph No.5 of impugned judgment and award shall be replaced by following clause :

> "The appellants shall be entitled to interest under Section 28 and 34 from the date of award as per law laid down in the judgment of Full Bench in case of ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]***.
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> Save and except above modification. Rest of the impugned judgment and award shall stand unaltered."

7. The amount deposited by the appellant/acquiring body before the Reference Court shall be disbursed to the respondents/claimants with accrued interest if not disbursed earlier.

8. Civil applications for stay are disposed of accordingly.

(SHAILESH P. BRAHME, J.)

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vmk/-