



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CIVIL APPLICATION NO. 299 OF 2026 IN FAST/1019/2026
WITH
CIVIL APPLICATION NO. 300 OF 2026 IN FAST/1019/2026

WITH CONNECTED MATTERS

...
Advocate for applicants / appellants : Ms. Sunita D. Shelke in both CAs / FAs
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 20 APRIL 2026

PER COURT :

The respondents are reported to be served.

2. None appears for them.

3. The applicants seek to condone delay of 3950 days in preferring the Appeals.

4. The reasons stated in the applications have gone uncontroverted. There are no *mala fides* on the part of the applicants. I find it appropriate to condone the delay. Delay stands condoned. Civil Applications are disposed of.

FIRST APPEALS

5. Taken up for final disposal. It is fairly conceded by learned counsel for the appellants that appeals are only to the extent of award

of interest. No appeal has been preferred on any other aspects of the matter.

6. This Court has been consistent in disposing of the appeals in identical circumstances in the wake of law laid down by Full Bench in **State of Maharashtra Vs. Kailash Shiva Rangari [2016 (3) Mh.L.J. 457]**.

7. I find that no any other view is possible. Present Appeals are also covered by the consistent view and law laid down in ***Kailash Shiva Rangari*** (supra).

8. Interest under section 28 and 34 awarded from the date of possession i.e. 17.08.1996 instead of awarding it from the date of award i.e. **22.03.2002**. The operative part and date of possession needs to be rectified to that extent.

9. First Appeals are allowed partly.

10. The respondents – claimants shall be entitled to interest under section 28 and 34 from the date of award i.e. **22.03.2002**, as per ***Kailash Shiva Rangari*** (supra).

11. Save and except above, the impugned judgment and award shall stand unaltered.

12. Award be drawn accordingly.

13. Deficit Court fees be paid.

14. R & P be sent back.

CIVIL APPLICATIONS FOR STAY

15. Amount deposited in this Court shall be disbursed to the respondents – claimants with accrued interest.

16. Civil Applications for stay are disposed of.

**[SHAILESH P. BRAHME]
JUDGE**

arp/