



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10084 OF 2016  
IN FA/759/2014

BHAUSAHEB BAUBURAO SATHE AND ANOTHER  
VERSUS  
EXECUTIVE DIRECTOR, KRISHANA KHORE MAHAMANDAL AND ANOTHER

...

Mt. P. V. Barde, Advocate for Applicants  
Mr. S. G. Joshi, AGP for the Respondent/State

WITH  
CIVIL APPLICATION NO. 8301 OF 2022  
IN FA/874/2014

MADHAV BHAU SATHE (DIED) THR LRS GORAKH AND ANR  
VERSUS  
THE EXECUTIVE DIRECTOR, KRISHNA KHORE MAHAMANDAL AND ANR

...

Mr. Rajendra K. Temkar, Advocate for Applicants  
Mr. S. G. Joshi, AGP for the Respondent/State

WITH  
CIVIL APPLICATION NO. 1795 OF 2026  
IN FA/864/2014

THE EXECUTIVE ENGINEER, KRISHNA KHORE MAHAMANDAL  
AHMEDNANGAR.

VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER.

...

Mr. Gulab B. Rajale, Advocate for Applicant  
Mr. S. G. Joshi, AGP for the Respondent/State

CORAM : SANJAY A. DESHMUKH, J.  
DATED : 30<sup>th</sup> APRIL, 2026

P. C. :-

**CIVIL APPLICATION NO. 10084 OF 2016  
IN FA/759/2014**

1. Since some connected appeals have been disposed of today, it would be proper to allow this application with directions to release the entire amount to the claimant along with accrued interest, after recalculating the interest as modified by the impugned judgment and award passed by the Reference Court.

2. The Executing Court is directed to calculate the interest in terms of the final decision rendered in this appeal, i.e., at the rate of 9% per annum for one year from the date of award and thereafter at the rate of 15% per annum till the date of deposit of the amount, and accordingly disburse the said amount to the claimants. If any excess amount has been paid to the claimants, the same shall be refunded to the acquiring body. It is expected that both the acquiring body and the claimants shall submit their respective accounts before the Executing Court to facilitate proper reconciliation. The Executing Court shall finalize the calculations, conclude the execution proceedings, and dispose of the same as expeditiously as possible, preferably within a period of three months from the date of receipt of this order. The application is disposed of accordingly.

**ORDER BELOW CIVIL APPLICATION NO. 8301 OF 2022  
IN FA/874/2014**

3. On perusal of the application and particularly the reasons stated

in it, it appears that the delay is not caused deliberately. The lis between the parties shall be decided on merits. Therefore, in the interest of justice, the delay deserves to be condoned. The delay of 665 days is condoned in view of the law laid down by the Hon'ble Supreme Court in the case of *New Okhla Industrial Development Authority vs. Rameshwar @ Ramesh Chandra Sharma (Dead) Through Legal heir and another; 2022 SCC Online SC 1599*. The abatement is set aside. Permission to bring on record the legal representatives is granted. The necessary amendment to be carried out within a period of two weeks. The application is disposed of accordingly.

**ORDER BELOW CIVIL APPLICATION NO. 1795 OF 2026  
IN FA/864/2014**

4. The civil application is filed for condonation of delay of 3584 days caused in filing the first appeal.

5. Perused the application and heard learned advocates for both sides. Learned advocate for respondent strongly opposed the application. Considering the reasons stated in the application, it appears that the delay caused is not deliberate. Therefore, the application is allowed. The delay caused in filing the appeal is condoned in the interest of justice.

(SANJAY A. DESHMUKH, J.)

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