

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

**CIVIL APPLICATION NO.5316 OF 2010
IN
WRIT PETITION NO.437 OF 2009**

**Mrs.Sheetal W/o Shriram Naik and others Vs. Manik S/o
Ambadasrao Labade and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.P.R.Patil, advocate for the applicants
Mr.B.V.Virdhe, A.G.P. for the State.
Mr.K.K.Kulkarni, advocate for Respondent No.4.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.
Date : 15.10.2016.**

PER COURT :

1. Heard.
2. Mr.Patil, learned counsel for the petitioner submits that while disposing of Writ Petition No.437/2009, vide order dated 8.6.2009, this Court in para 5 of the said order had observed that the petitioner is already held entitled to receive the compensation though the petitioner claims not to have withdrawn the said amount. According to the learned counsel, said petitioner had already sold the writ property under acquisition to the present applicants under

sale deed dated 2.11.1987. As such the petitioner in the Writ Petition did not have any right to claim the compensation amount.

3. Mr.Kulkarni, learned counsel appears for Respondent No.4 Municipal Council and submits that in some other proceedings, the present applicant No.1's husband and father of applicant Nos.2 and 3 had claimed that the sale deed in question was executed only by way of security and the same was not acted upon.

4. The present applicants were not parties in Writ Petition No.437/2009. The observations made thereunder are pursuant to the pleadings made by the parties to the Writ Petition. The observations may not bind the applicants as the present applicants are not parties, the applicants can raise their stand as is legitimately permissible.

5. The Civil Application accordingly disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.15.10.2016.
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