

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12580 OF 2016

Shivaji Shama Shinde

..PETITIONER

VERSUS

Bhagwat Mahadeo Shinde and Others

..RESPONDENTS

WITH

WRIT PETITION NOS. 12581/16, 12582/16, 12583/16, 12588/16

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Mr. S.A. Wakure, Advocate for petitioner.

Mr. J.R. Patil, Advocate for Respondent No.1 - caveator.

Mr. S.K. Tambe, A.G.P. for respondent – State.

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CORAM : T.V. NALAWADE, J.

DATED : 21st DECEMBER, 2016

ORDER :

1. All the proceedings are filed to challenge the orders made on objection applications filed in various execution proceedings which are filed by respondents on the basis of awards given by the Reference Court. Notice waived by learned Counsel for caveator. Both sides are heard.

2. It appears that present petitioner has filed Civil Suit No. 225 of 2013 for relief of declaration of ownership in respect of properties which were acquired for public purpose. He has made many contentions which include contention that the sale deed made by father of plaintiff is not

binding on plaintiff. The award made in execution is on record. The award holders were shown as owners and there are sale deeds in their favour which were made from 1968 to 1971 and it was submitted that one sale deed is of 1987. As awards were given to the present respondents on the basis of record of title due to the scope of execution proceeding, the Executing Court is proceeding ahead with execution. The award holder has compromised with the acquiring body before the Lok Adalat and on that basis the award holders will get the compensation amount.

3. The aforesaid circumstances show that objections filed in the execution proceedings are filed under misconception. The plaintiff himself fills that there is cloud on his title and in view of aforesaid circumstances, suit came to be filed in the year 2013. If at all plaintiff has some right, he can go to the Court where substantive matter is pending. The Executing Court cannot decide the rights of plaintiff in view of aforesaid circumstances. This Court sees no reason to interfere in the order made by the Executing Court. In the result, all the petitions are disposed of as dismissed.

(T.V. NALAWADE, J.)

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