

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

**CONTEMPT PETITION NO.438 OF 2014
IN
WRIT PETITION NO.10321 OF 2012**

Madhav s/o. Krishnaji Sathe,
Age : 76 years, Occ. Nil,
r/o. Makhani, Tq. Lohara,
Dist. Osmanabad ..Petitioner

Vs.

The State of Maharashtra,
Through District Collector,
Osmanabad, namely,
Dr. Prashant Narnaware
and others ..Respondents

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Mr.P.B.Rakhunde, Advocate for petitioner
Mr.A.S.Shinde, AGP for State
Mr.S.C.Arora, Advocate for respondent no.4

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATE : FEBRUARY 10, 2017**

PER COURT :

Heard.

2. This Contempt Petition is filed on the basis of the order dated 19.03.2013 passed by this Court in Writ Petition No.10321 of 2012.

3. Heard both sides.

4. The learned Counsel for the petitioner submits that this Court vide order dated 19.03.2013, had directed respondent no.4 – Godawari Marathwada Irrigation Development Corporation i.e. the acquiring body, to pay to the petitioner the amount claimed in the execution proceedings filed by the present petitioner in the Court of Civil Judge, Junior Division, Osmanabad, but compliance of the order has not been made even when the order was passed in the year 2013.

5. The learned Counsel for respondent no.4 – acquiring body submits that prior to 05.01.2016, some amount was paid to the petitioner towards the dues and even after 05.01.2016, some amount was paid. He submits that according to the acquiring body, now no amount is due, to be paid by the acquiring body to the petitioner. He submits that order needs to be passed that the decree is fully satisfied.

6. Thus, there is some dispute over the amount, which can now be paid to the award holder. This point can be decided only by the executing Court and not by this Court.

7. Both sides, therefore, are at liberty to approach the executing Court for specific order about entitlement of the award holder. Unless that point is decided by the executing Court, no order can be passed in this Contempt Petition.

8. With these observations, the Contempt Petition stands disposed of with a liberty to the petitioner to come to this Court again, if some order is passed by the executing Court and the same is not complied with.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]