

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

WRIT PETITION NO. 5453 OF 2017

AMOL SHIVAJI KARPE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Khadap Rahul D.
AGP for Respondents/ State : Shri D.R.Kale.

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**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 08th June, 2017

PC.:

1 In the light of the fact that the execution proceedings are pending in which the Petitioners can obtain all reliefs particularly of recovery of the compensation amount, we do not think that we should interfere in our writ jurisdiction. The Writ Petition under Article 226 of the Constitution of India, if entertained in the present set up, it would amount to this Court taking over the functions of the Executing Court and acting as such. Once the Civil Court is a court to deal with such proceedings and has made the award, it has all powers to ensure payment of sums under the award. It executes its own orders and the law has adequate measures

in that regard. We, therefore, do not entertain this Writ Petition in the light of the alternate and equally efficacious remedy.

2 Keeping open all the contentions, the Writ Petition is disposed of.

(MANGESH S. PATIL, J.)

(S.C. DHARMADHIKARI, J.)

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