

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

907 WRIT PETITION NO. 11119 OF 2018

**PRABHAKAR MADHAV BADGUJAR
VERSUS
HEGA ISRYA GAVIT AND OTHERS**

**WITH
908 WRIT PETITION NO.:11124 OF 2018**

**Prabhakar Madhav Badgujar
VERSUS
Bapu Nandlya Gavit And Another

**WITH
WRIT PETITION NO.:11125 OF 2018**

**Prabhakar Madhav Badgujar
VERSUS
Margibai Jaysing Gavit And Others

**WITH
WRIT PETITION NO.:11126 OF 2018**

**Prabhakar Madhav Badgujar
VERSUS
Devji Hurji Gavit Through Lrs Gulabsing Devji Gavit And Others

**WITH
WRIT PETITION NO.:11127 OF 2018**

**Prabhakar Madhav Badgujar
VERSUS
Dedya Chiptya Gavit And Another

**WITH
WRIT PETITION NO.:11128 OF 2018**

Prabhakar Madhav Badgujar
VERSUS
Dharma Nandlya Gavit And Another

WITH
WRIT PETITION NO.:11129 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Bharat Hurji Gavit And Others

WITH
WRIT PETITION NO.:11130 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Anil Onkar Gosavi And Others

WITH
WRIT PETITION NO.:11131 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Shiva Gawlya Gavit And Others

WITH
WRIT PETITION NO.:11132 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Lakdya Gorkhya Gavit And Others

WITH
WRIT PETITION NO.:11133 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Shidubai Vechya Gavit And Others

WITH
WRIT PETITION NO.:11134 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Punjrya Jethya Gavit And Another

WITH
WRIT PETITION NO.:11135 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Shitya Ditya Gavit And Another

WITH
WRIT PETITION NO.:11136 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Shiva Jethya Gavit And Another

WITH
WRIT PETITION NO.:11137 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Vechya Zendya Gavit And Others

WITH
WRIT PETITION NO.:11138 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Mansing Janya Gavit And Another

WITH
WRIT PETITION NO.:11139 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Narya Alias Nandlya Jethya Gavit And Another

WITH
WRIT PETITION NO.:11140 OF 2018

Prabhakar Madhav Badgujar
VERSUS
Pandurang Jethya Gavit And Another

...
Advocate for the Petitioner : Shri Patil Shrikant S..
AGP for the Respondent/State : Shri K.S.Patil and Shri B.A.Shinde.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th October, 2018

Per Court:

1 In all these writ petitions, the Petitioner/ original Plaintiff is aggrieved by the orders dated 09.04.2018 passed by the Trial Court by which, the applications below Exhibit 5 in RCS Nos.39/2018, 18/2018, 52/2018, 77/2018, 22/2018, 15/2018, 69/2018, 41/2018, 50/2018, 37/2018, 46/2018, 23/2018, 14/2018, 26/2018, 60/2018, 11/2018, 27/2018 and 10/2018 have been partly allowed. The Petitioner is also aggrieved by the judgments dated 25.06.2018, 26.06.2018, 27.06.2018, 21.06.2018, 22.06.2018, 25.06.2018, 22.06.2018, 21.06.2018, 21.06.2018, 26.06.2018, 27.06.2018, 22.06.2018, 25.06.2018, 22.06.2018, 21.06.2018, 26.06.2018, 26.06.2018 and 22.06.2018

delivered by the Principal District Judge, Nandurbar by which, his Miscellaneous Civil Appeal Nos.18/2018, 15/2018, 25/2018, 8/2018, 14/2018, 16/2018, 21/2018, 7/2018, 10/2018, 22/2018, 23/2018, 11/2018, 17/2018, 13/2018, 9/2018, 20/2018, 19/2018 and 12/2018, respectively, have been dismissed.

2 I have considered the strenuous submissions of the learned Advocate for the Petitioner, who is the same Petitioner in all these petitions. With his assistance, I have gone through the 18 grounds formulated in the memo of the petitions.

3 The grievance of the Petitioner/ original Plaintiff is that he is a practicing advocate. He had conducted the particular proceedings on behalf of all Respondent No.1/ Defendant in the land acquisition cases. It was agreed between the parties that they would pay Rs.50,000/- as professional fees to the Petitioner/ Advocate. Each of them have been held to be entitled for huge amounts towards enhanced compensation under Section 18 of the Land Acquisition Act, 1894. However, these clients resiled from their assurance and did not pay fees to the Petitioner, who was their advocate. Therefore, the Petitioner was constrained to file the civil suits against each of them praying for injunction that the statutory authorities under the Land Acquisition Act, 1894 be restrained from disbursing Rs.50,000/- to Respondent No.1 in each petition so as to secure the amounts towards the fees of the Petitioner, out of the enhanced

compensation, which the statutory authorities were to disburse to Respondent Nos.1.

4 It is contended that though the Trial Court concluded that prima facie, temporary injunction needs to be granted so as to secure the payment of fees to the Petitioner/ Advocate, the injunction was restricted only to the amount of Rs.20,000/- in each case when Respondent Nos.1/ Defendants have acquired enhanced compensation ranging between Rs.16 lac to Rs.84 lac. His grievance, therefore, is that when the Petitioner/ Plaintiff had sought professional fees of only Rs.50,000/- in each case, the Trial Court should have granted injunction against the disbursement of at least Rs.50,000/- in each suit.

5 I find that the Trial Court as well as the Appellate Court, while appreciating the contentions of the Petitioner/ Plaintiff, have prima facie concluded that it will have to be decided as to what was the actual quantum of professional fees agreed between the parties. The issue as to whether, the Plaintiff/ Advocate would be entitled for the fees as are claimed by him or whether, such claim is put forth after realizing that these agriculturists/ Respondent Nos.1 herein have received huge enhanced compensation. I find that the Trial Court as well as the Appellate Court have made efforts to balance the equities by directing the statutory authorities not to disburse Rs.20,000/- in each case so as to deal with the suits. I, therefore, do not find that the impugned orders of the

Trial Court and the judgments delivered by the Principal District Judge as an appellate court, could be termed as being grossly perverse or erroneous.

6 In view of the above, merely because a different view can possibly be taken, would not warrant interference in the impugned orders. These Writ Petitions being devoid of merit are, therefore, dismissed.

7 Since a very short point is involved and as the Petitioner/ original Plaintiff, who is a busy advocate, prays for expediting the suits, I find that it would be in the interest of justice that the suits pending before the learned Civil Judge, Senior Division, Nandurbar can be expedited. As such, the learned Trial Court shall decide the said suits expeditiously and in any case, on or before 30.06.2019.

kps

(RAVINDRA V. GHUGE, J.)

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