

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION No.2389 OF 2018

Ramesh Mahadeo Khedekar

... Petitioner

Vs.

Arvind Leeladhar Khedekar & Ors.

... Respondents

Mr.A.B. Kadam for the Petitioner

Mr.S.B. Thorat for the Respondent Nos.1 to 7

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 4, 2018**

P.C. :

1. In this petition challenging the order dated 5.1.2018, the petitioner has filed a suit for partition which is partly decreed against which the petitioner/original plaintiff has filed Regular Civil Appeal No.16 of 2017. The National Highway Authority has acquired a part of suit land for the purpose of construction of the national highway and issued notice in respect of payment of compensation to the respondents. The petitioner has raised objection before the National highway authority. In view of section 3(h)(iv), if there is a dispute arising as to the apportionment of the compensation amount or any part of the compensation to whom it

is to be disbursed, then, the competent authority shall refer the dispute to the decision of the Principal Civil Court of the original jurisdiction. In the present case, the dispute is pending before the appellate Court, as the competent authority as referred the dispute as Land Reference No.19 of 2018 to the District Court, Khed No.1. Thus, the said reference No.19 of 2018 and Regular Civil Appeal No.16 of 2017 both are pending in the same Court. The amount of compensation is also deposited by the National Highway Authority in the same Court.

2. In view of this, the District Court, Khed, to decide the pending matters on or before 31.12.2018.

3. Writ Petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)