

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CAF NO. 91/2018
IN
FIRST APPEAL NO. 149/2005

MIDC, Amravati
..VS..
Darasingh Deosing Jadhav & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.M. Kukday, Advocate for the applicant/intervenor
Shri D.G. Patil, Advocate for the non-applicant nos. 1 & 2
Shri S.B. Bissa, AGP for the non-applicant nos. 3 & 4

CORAM : Z.A.HAQ, J.
DATED : 17/09/2018

Applicant/Intervenor (Sou. Laxmi Pandit Chavan) has prayed that she be given 1/6th share out of the amount of compensation deposited by the appellant. According to her, she has filed Civil Suit No. 100/2017 praying for decree for partition, which is pending before the Civil Judge, Senior Division, Pusad. According to her, she got married in 1993 and since then, she is residing at her matrimonial house and the non-applicant no. 1/Darasingh S/o Deosing Jadhav and the non-applicant no. 2/Ashok S/o Deosing Jadhav have taken undue advantage and are trying to usurp the entire property which according to her is ancestral property.

The learned advocate for the non-applicant nos. 1 and 2 have submitted that the Land Acquisition Officer had granted compensation in the name of the non-applicant no. 1/Darasingh S/o Deosing Jadhav and the non-applicant no. 2/Ashok S/o Deosing Jadhav, reference proceedings were

filed by the non-applicant nos. 1 and 2 and in the first appeal before this Court also, the non-applicant nos. 1 and 2 were the respondents. It is argued that the applicant/Sou. Laxmi Pandit Chavan has not been able to point out why she has not staked the claim earlier.

From the copy of the Civil Suit No. 100/2017, it appears that the applicant/Sou. Laxmi Pandit Chavan has claimed share in the amount of compensation which was the subject matter of F.A. No. 149/2005. As the civil suit is pending and the rights of the parties are to be adjudicated, the following order is passed:-

ORDER

- a) Out of the amount deposited by the appellant/MIDC with the Registry of this Court, 1/6th of the amount be transferred to the Court of Civil Judge, Senior Division, Pusad, District Yavatmal. The balance amount be disbursed as per the judgment delivered by this Court.
- b) The amount which would be received by the Court of Civil Judge, Senior Division, Pusad shall be kept in fixed deposit in Nationalized Bank and its disbursement would be as per the decree that would be passed in the Civil Suit No. 100/2017.

The civil application is **disposed** in the above terms. No costs.

JUDGE