

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

**921 CONT. PETITION NO.190 OF 2018
IN WP/11209/2017**

**MUDRIKABI DASHRATH MANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. Vijay G. Sakolkar And Mr.
H.B.Nandagavale

AGP for Respondent: Mr. P. G. Borade

Advocate for Respondent No. 4 : Mr. Shyam C. Arora

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**CORAM : PRASANNA B. VARALE
AND
R. G. AVACHAT, JJ.**

DATE : 25th June, 2019

ORAL ORDER :

. This Court on 26.03.2018 issued simple notice to respondent No. 4, making the same returnable on 04.06.2018. perused the orders of this Court, dated 05.10.2018, 29.10.2018 and 01.11.2018. As per the order of this Court dated 01.11.2018, a cheque of an amount to the tune of Rs.23,00,000/- is deposited in this Court. Subsequently, a cheque of Rs.50,41,106/-, is also desptied in this Court on 18.06.2019.

2. Learned counsel Mr. Sakolkar appearing for the

petitioners submits that the amount so deposited by way of cheques be transferred to the Executing Court at Civil Judge, Senior Division, Udgir, District Latur and the petitioners be permitted to approach the Executing Court for release of the amount.

3. The learned counsel appearing for respondent No. 4 - the Executive Engineer, Nimna Terna Kalva Vibhag No.2, Udyog Bhavan, Latur, through Ilias M Chisti (the acquiring body in the land acquisition proceedings) submits that the respondent No. 4 be permitted to raise the issue before the Executing Court of an excess payment to the petitioners as the issue of excess payment is not before us in the present Contempt Petition. It may not be necessary for us to deal with that issue in detail, suffice to say that if respondent No. 4 was party to the original proceedings there is no prohibition for respondent No. 4 to approach the Executing Court submitting its stand. Needless to state that if there are rival contentions in so far as the quantification of amount raised before the Executing Court, the Executing Court would decide the issue on its own merits by giving an opportunity of hearing to the necessary parties. In so far as the contempt petition is concerned,

the order of this Court is now duly complied and the purpose of approach in this Court is duly served. We dispose the petition with direction to the Registry to transfer the amount which is deposited in this Court to the Executing Court i.e. the Civil Judge Senior Division, Udgir, District Latur expeditiously.

4. Contempt petition is accordingly disposed of.

(R. G. AVACHAT, J.)

(PRASANNA B. VARALE, J.)

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