

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

WRIT PETITION NO. 8568 OF 2018

Bijalabai Bhaginath Nighote Petitioner

Versus

State of Maharashtra & Ors. Respondents

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Shri. Mahesh K. Bhosale, Advocate for the petitioner

Shri. P. S. Patil, AGP for respondent No. 1/State

Respondent No. 2 served

Shri. S. V. Adwant, Advocate for respondent No. 3

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 04TH FEBRUARY, 2019

ORAL ORDER:

1. We have heard Shri. Mahesh K. Bhosale, learned counsel for the petitioner, Shri. S. V. Adwant, learned advocate for respondent No. 3 and the learned Assistant Government Pleader. The petitioner seeks payment of compensation of Rs. 78,02,739/- as per the sale deed executed between the petitioner and the respondents.

2. Shri. S. V. Adwant, the learned counsel for respondent No.3 submits that, during calculation of the compensation amount,

mistake has cropped up in the sale deed. The petitioner is entitled for an amount of Rs. 42,43,919/-. The learned counsel for the petitioner relies on the Government Resolution dt.13.08.2018.

3. The registered instrument of sale is placed on record. As per the sale deed, the amount of compensation payable to the petitioner was Rs. 78,02,739/-. The sale deed is on record. The same is intact.

4. The consideration amount agreed upon in the sale deed binds the parties and the respondents are bound to pay the amount as per the sale deed.

5. In case the respondents feel that there is some error in the sale deed, the remedy is provided under the Specific Relief Act for rectification of the document. Unless the said document is rectified the respondents are bound by it. The respondents, if they are so advised, are entitled to take up appropriate proceedings for the rectification of the sale deed as may be permissible in law. However, till the said sale deed is in force the petitioner is entitled for the amount as per the said sale deed.

6. In case the said sale deed is in force and no other orders are passed by the court of competent jurisdiction with regard to the

said sale deed, then the respondents shall pay the amount as per the said sale deed within three months.

7. The writ petition is accordingly stands disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde