

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

25 WRIT PETITION NO.2547 OF 2020

LAXMIBAI RAMAKANT PHAWADE AND OTHERS
VERSUS
VENKAT BABURAO PHAWADE AND OTHERS

...

Mr. A.D. Sonkawade, Advocate for the petitioners.
Mr. S.K. Tambe, A.G.P. for respondent Nos.3 and 4.

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CORAM : **Rohit B. Deo, J.**

DATE : 11th February 2020.

ORDER :-

. The petitioners are aggrieved by the order dated 10.01.2020 rendered by the Civil Judge, Senior Division, Nilanga in execution proceedings whereby the decree holder is permitted to withdraw the amount deposited by the Acquiring Body in the Court.

2. The petitioners, who are the legal heirs of Ramakant Phawade, claimed to have share in the land acquired and on this premise objected to the withdrawal of the compensation amount.

3. The award is passed in the year 2009. Concededly, at no point of time either before the Land

Acquisition Officer or before the Reference Court, did the petitioners set up a claim as interested persons. Be that as it may, the petitioners appear to have instituted substantive suit claiming share in the compensation amount.

4. I do not see any error in the order of the executing Court.

5. It is trite law, that the executing Court cannot go beyond the decree.

6. The petition is dismissed.

(ROHIT B. DEO, J.)

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