

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

CIVIL APPLICATION (CAF) NO. 4172 OF 2019
IN
FIRST APPEAL (FA) NO.1424/2019 (D)

[VI.D.C. Thr. Executive Engineer, Minor Work No. II Yavatmal & Anr. Vs. Bhagwant Vithoba Lonbale & Ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's
order

Court's or Judge's Order

Shri P.M. Pande Advocate for applicants
Shri B.S. Mandhose, Advocate for respondent no.1
Shri M.A. Kadu, Advocate for appellant
Shri H.R. Dhumale, A.G.P for respondent nos. 2 & 3

CORAM : M. G. GIRATKAR, J.

DATE : 15/01/2020

Heard Shri P.M. Pande, learned Advocate for applicants, Shri B.S. Mandhose, learned Advocate for respondent no.1, Shri M.A. Kadu, learned Advocate for appellant and Shri H.R. Dhumale, learned A.G.P for respondent nos. 2 & 3.

As per submission of learned counsel Shri Pande on the basis of forged will, the landed property was mutated by the respondent no.1. The said agricultural land was acquired for Bembla Project by the Government/VI.D.C. The respondent no.1 has received compensation of Rs.7,29,701/- before the reference court. In this court, the appellant has deposited Rs.8,50,849/-.

Learned Advocate Shri Pande has submitted

that the applicants are real owners/natural heirs of deceased Maroti Narayan Yegaonkar. Learned Advocate for respondent no.1 submitted that respondent no.1 has become the owner as per will executed by Maroti Narayan Yegaonkar.

The applicants nos. 1 and 3 have filed R.C.S.No.81/2012 before Civil Judge, Junior Division, Ralegaon. The said suit is fixed for evidence and is likely to be decided within short period. As per submission of learned counsel Shri Pande, if the amount deposited by the appellant is withdrawn by the respondent no.1, then the suit will become infructuous. Looking to the submissions application is allowed. Amount of compensation of Rs.8,50,849/- deposited by the appellant before this court shall not be paid to the respondent no.1 till the decision of R.C.S.No.81/2012 pending before Civil Judge, Junior Division, Ralegaon. The application is disposed of.

JUDGE

C.R. Khobragade