

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1924 OF 2021
IN
WRIT PETITION (ST.) NO. 7969 OF 2021

Baliram Bhiku Mahadik.

...Applicant.

Versus

The State of Maharashtra & Others.

..Respondents.

Mr. Satyajeet P. Dighe for the Applicant.

Mr. Kunal Rane for Respondent No. 5 and 6.

Mr. S. B. Kalel, AGP for Respondent No. 1 to 3.

CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.

Date : **September 8, 2021.**

P. C. :

1. Heard learned counsel appearing for the Applicant, learned AGP for Respondent No. 1 to 3 and learned counsel for respondent nos. 5 and 6. Considering the ground raised in the application and the consequential prayer, it may not be necessary to issue notice to respondent nos. 4 to 8.

2. This is an application with a prayer for extension of the interim order. Learned counsel for the Applicant invited our attention to the order of this Court which is placed on record at page 10 of the application. The division bench of this Court was pleased to dispose of the above writ petition, being Writ Petition (St.) No. 7969 of 2021 with

liberty to Applicant to file a suit seeking appropriate reliefs and vide further liberty to take out an application interim or ad-interim relief (Exhibit-5). The schedule of taking appropriate steps was incorporated in the order by clauses (i) and (ii). Under clause (iii) of paragraph 3, it was observed by this Court that the compensation to the extent of 1/4th share claimed by the Applicant shall not be disbursed for the period of six weeks from the date of order.

3. It is submitted in the application that the Applicant – petitioner in view of the order of this Court immediately on 29th June 2021 filed a suit being Regular Civil Suit No. 576 of 2021 in the Court of Civil Judge, Senior Division, Alibaug. It is further stated a separate application under Order-XXXIX of the Code of Civil Procedure, 1908 was also filed in the said suit. In paragraph 4 of the application, a reference is made to the peculiar and unforeseen difficulty faced by the Court in hearing the said application (exhibit-5), namely, heavy rainfall and flood like situation in Raigad district. It is stated in paragraph 4 that due to recent heavy rainfall and flood in Raigad district, the concerned CJSD Court at Alibaug was completely flooded and in such situation the functioning of the said Court was severely hampered and as such there is no likelihood that the concerned Court will take up the application for interim relief for hearing any time soon.

4. On the backdrop of these submissions, it is further stated

that the interim order of this Court is operative till on 22nd August 2021 and in case the interim order passed by this Court is not extended and compensation is disbursed in favour of the respondents, then, the entire exercise of filing suit by the Applicant will be frustrated.

5. Considering the above referred facts and more particularly the ground raised in the application of the peculiar circumstances of heavy rainfall and flood like situation in Raigad district, we are of the opinion that the counsel for Applicant has made out a case for allowing this application. There is also merit in the submission of counsel that if the amount of compensation is disbursed for non extension of interim order, the entire exercise of approaching this Court would be frustrated. Accordingly, **we allow the application in terms of prayer clause (a)** and direct that the compensation to the extent of 1/4th share claimed by the Applicant shall not be disbursed for the further period of two months from today, if it is already not disbursed.

6. The application stands disposed of.

[N R. Borkar, J.]

[Prasanna B. Varale, J.]