

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

WRIT PETITION NO.5707 OF 2021

WAJID RAHEMAN BIRAJDAR AND OTHERS  
VERSUS  
NURJAHAN JIYODDIN PATLE AND ANOTHER

...

Advocate for Petitioners : Mr. Girish L. Awale  
Advocate for Respondents No. 1 and 2: Mr. R.P. Aadgaonkar

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**[CORAM : NITIN B. SURYAWANSHI, J.]**

**DATE : 5<sup>th</sup> AUGUST, 2022**

**ORDER :**

1. The petitioners are aggrieved by the order passed by learned District Judge-8, Latur, below Exhibit-10, 14 and 20 in Regular Darkhast (Land Acquisition Reference) No. 26/2017.

2. Having heard the learned advocate for the petitioners and learned advocate for the respondents and after going through the record, it appears that though the District Court has rejected the application filed by the respondents seeking compensation amount of their share, as they have sought same relief in Regular Civil Suit No. 770/2016, pending before learned Civil Judge, Junior Division, Ausa, the District Court has held that in view of serious dispute raised by the objection petitioner regarding right and authority of decree holder to obtain

compensation amount, liberty is granted to the parties to seek appropriate relief from the Court of Civil Judge, Junior Division, Ausa, in Regular Civil Suit No. 770/2016.

3. Self contradictory findings are recorded by the District Court while passing the impugned order.

4. Taking into consideration the peculiar facts of the case, this Court is of the view that, interest of justice would be sub-served by the following order:-

**ORDER**

- I) Regular Civil Suit No. 770/2016 pending before learned Civil Judge, Junior Division, Ausa, shall be decided within a period of six months from today.
- II) Parties shall co-operate for early disposal of Regular Civil Suit No. 770/2016.
- III) The amount of compensation shall be deposited in the fixed deposit till the said decision. After the decision of the suit, amount be paid to the respective parties, in terms of decision.
- IV) With these directions, writ petition is disposed of.

**[NITIN B. SURYAWANSHI, J.]**