

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO.11318 OF 2022

SAROJANA BHUMRAO KANTAMWAR VARNI
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND
OTHERS

Advocate for Petitioner : Mr Upendra Bapurao Bilolikar
AGP for Respondent/State : Mr S.S. Dande

CORAM : SANDEEP V. MARNE, J.

DATE : 22nd NOVEMBER, 2022

PER COURT :

1. By the present petition, petitioner seeks to challenge order dated 25.09.2021 passed by the Civil Judge, Senior Division and Head of the Panel National Lok Adalat, Biloli, by which the suit has been compromised filed before it.

2. Petitioner was not impleaded as party defendant in that case. Petitioner has filed his own suit bearing RCS No. 129/2022, which is pending before the Civil Judge, Junior Division, Dharmabad. It is the case of petitioner that the plaintiffs in RCS bearing No. 185/2021 deliberately impleaded only the government officials as defendants and by filing the suit on 21st September, 2021, the same was compromised within four days thereafter on 25th September, 2021. Petitioner apprehends that the order passed in RCS No. 185/2021 by that compromise, would be misused to dispossess him from the land in his possession. The apprehension appears to be baseless.

3. Since petitioner was not impleaded as party defendant to RCS bearing No. 185/2021, the order passed by the court would not bind petitioner. Additionally, petitioner himself has filed his own suit seeking declaration and injunction. The rights and entitlement, if any, of petitioner would be decided in that suit. The compromise decree passed in RCS bearing No. 185/2021 would not come in the way of the Civil Judge, Junior Division deciding bearing RCS No. 129/2022, nor can the Court get influenced by the compromise decree.

4. With these observations, the writ petition is disposed of.

[SANDEEP V. MARNE, J.]

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