

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO.11530 OF 2022

GAGANNA SMALL SAYANNA VARNI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND
OTHERS

Advocate for Petitioner : Mr Upendra Bapurao Bilolikar
AGP for Respondent/State : Mrs G.L. Deshpande

CORAM : SANDEEP V. MARNE, J.

DATE : 22nd NOVEMBER, 2022

PER COURT :

1. By the present petition, petitioners seek to challenge order dated 07.05.2022 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. Petitioners were not impleaded as party defendant in that case. Petitioners have filed their own suit bearing RCS No. 128/2022, which is pending before the Civil Judge, Junior Division, Dharmabad. It is the case of petitioners that the plaintiffs in RCS bearing No. 170/2022 deliberately impleaded only the government officials as defendants and by filing the suit on 04.05.2022, the same was compromised within four days thereafter on 07.05.2022, Petitioners apprehend that the order passed in RCS No.170/2022 that compromise would be misused to dispossess them from the land in their possession. The apprehension appears to be baseless.

3. Since petitioners were not impleaded as party defendants to RCS bearing No. 170/2022, the order passed by the court would not bind petitioners. Additionally, petitioners themselves have filed their own suit seeking declaration and injunction. The rights and entitlement, if any, of petitioners would be decided in that suit. The compromise decree passed in RCS bearing No. 170/2022 would not come in the way of the Junior Division deciding bearing RCS No. 128/2022, nor can the Court get influenced by the compromise decree.

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

[SANDEEP V. MARNE, J.]

mta