

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 9653 OF 2022**

BHAGWAN DATTATRAYA PISUTE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

.....
Advocate for the petitioners : Mr. N. D. Rasal and Mr. N. N.
Bhagwat
AGP for Respondent State : Rashmi P. Gour
.....

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, J.**

DATE : 11.10.2022

PER COURT :-

1. The petitioners have already approached the Civil Court by preferring Regular Civil Suit No. 42 of 2015. Since the judgment delivered in the said suit dated 22.10.2019 led to the dismissal of the suit, the petitioners-plaintiffs approached the learned District Court, by preferring Regular Civil Appeal No. 437 of 2019. Vide judgment dated 19.01.2022, the learned Civil Court has passed an order thereby allowing the civil suit and issuing directions to the T. I. L. R. and/or D.I.L.R to carry out the joint measurements of both sides of Karjat Khurdane to old Dahiphal road situated at Shevgaon after depositing the necessary fees. Further directions have also been issued.

2. Instead of getting the order executed, the petitioners are before this Court requesting that this Court should exercise the jurisdiction of an executing Court and execute the decree.

3. Considering the view expressed by the Hon'ble Supreme Court in the judgment delivered on 24th August, 2022 in Civil Appeal No. 5256 of 2022 (National Highways Authority of India Vs. Sheetal Jaidev Vade and others), this petition is disposed off with liberty to the petitioner to avail of the statutory remedy as is permissible in law.

(SANJAY A. DESHMUKH)
JUDGE

(RAVINDRA V. GHUGE,)
JUDGE

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