

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION**

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ANIL
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**APPEAL FROM ORDER No. 639 OF 2017
WITH
CIVIL APPLICATION No. 812 OF 2017
IN
APPEAL FROM ORDER No. 639 OF 2017**

Pradip Ramchandra Gurav and Ors.

**...Appellants/
Applicants**

Vs.

Mr. Sadashiv Anant Gurav and Ors.

...Respondents

*** * * ***

**Mr. Rohit D. Joshi, Advocate for the Appellants /
Applicants**

**Mr. Sujay Palshikar i/b. S.S. Kulkarni for Respondent
Nos.1,2.1,2.2, 2.3 and 3 and 4**

Coram : Sandeep K. Shinde, J.

Dated: 1st APRIL, 2022.

P.C. :

1. This Appeal from Order challenges order dated 11th January, 2007 passed in Regular Civil Appeal No. 113/2013 pending in the Court of District Court Raigad at Alibag.

2. Appellants' Regular Civil Suit No. 20 of 2011 for partition and for such other reliefs was dismissed on 3rd May, 2013. Feeling aggrieved by the said judgment, they preferred Regular Civil Appeal No. 113/2013. Pending proceedings, the suit properties were acquired under the Land Acquisition Act and compensation has been awarded to the Respondents, reason being, their names

were shown in the revenue record. In consideration of these facts, the Appellants moved an application in Regular Civil Appeal seeking an order to restrain the Land Acquisition Officer from disbursing compensation to the Respondents-Original Defendants. That application was rejected on 11th January, 2017. Therefore, this Appeal from Order.

3. Learned counsel appearing for the parties, on instructions, informed that the Regular Civil Appeal is scheduled for hearing in the last week of April, 2022. Having regard to the facts of the case, since alternate remedy is available to the Appellants under the Land Acquisition Act to protect their interest, I am not inclined to interfere with the impugned order.

4. In consideration of the facts of the case, it would be expedient if the Regular Civil Appeal No. 113/2013 is disposed of by the Learned District Judge No. 4 at Raigad Alibaug expeditiously and, preferably before 30th of July, 2022.

5. For all that reasons, the Appeal from Order is disposed of including all applications therein.

6. All contentions of the respective parties are kept open.

(Sandeep K. Shinde, J.)