

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3555 OF 2021

IN

WRIT PETITION NO. 2087 OF 2021

Budhaji Hiru Thakur & Anr.

**..... Intervenors/
Applicants**

IN THE MATTER OF

**Trimbak Joma Thakur,
Since Deceased through his LR & heir
Dashrath Trimbak Thakur & Ors.**

..... Petitioners

VERSUS

**Principal Secretary,
Urban Development Department & Ors.**

..... Respondents

Mr. Shriram S.Kulkarni, a/w. Mr.Rajendra M.Deshmukh for the
Petitioners.

Mr. Niketan Nakhawa for the Applicant in Interim Application.

Mr.Gopal S.Hegde, a/w. Ms.Pinky M.Bhansali for the CIDCO,
Respondent nos. 5 and 6.

Mr.S.B.Kalel, A.G.P. for the Respondent – State.

**CORAM : R.D. DHANUKA &
S.M.MODAK, JJ.**

DATE : 15TH FEBRUARY, 2022.

P.C:-

By this intervention application, the applicants seek an order and

direction against the State Government and CIDCO to equally apportion the enhanced compensation and pay 2/3rd share to the applicant nos. 1 and 2 and remaining 1/3rd share to the petitioner no.1 LRs in respect of LAR No. 97 of 1989.

2. We have heard learned counsel for the parties. In the writ petition, the petitioners seek an order and direction against the respondents to deposit the amount before the executing court. The reliefs sought by the applicants for apportionment of the enhanced compensation cannot be considered in this writ petition. Interim application is thoroughly misconceived and is accordingly dismissed.

3. It is made clear that merely because we have dismissed this interim application, the rights of the applicants, if any, to file substantive proceedings for adjudicating upon the right of the applicants, if any, are kept open. No order as to costs.

[S.M.MODAK, J.]

[R.D.DHANUKA, J.]