

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11969 OF 2022**

**NIRMALABAI MARUTI GAVHANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
AND OTHERS**

...

Mr. S. S. Gangakhedkar, Advocate for the Petitioners.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

Mr. H. V. Patil, Advocate for Respondent Nos.3 and 4.

...

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 15th MARCH, 2023.

P.C:-

1. Heard.

2. We have perused the pleadings in the plaint which is annexed at Exhibit-C. The petitioners are claiming shares in the suit property and as such, it is further claimed that they are entitled for the share in the amount of compensation. The said issue is subjudice before the Court of Civil Judge, Senior Division, Hingoli.

3. In view of the above and having regard to the prayer in the aforesaid suit, we do not see any reason to cause interference in the Writ jurisdiction. The petition as such stands disposed of.

4. However, it is clarified that it is always open for the petitioners/plaintiffs to claim their share in the amount of

compensation disbursed in favour of the respondents/co-owners based on the decree for partition, if so granted.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE

Devendra/March-2023