

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

WRIT PETITION NO. 2536 OF 2021

Sushila Sukhadev Dhotre & Ors ..Petitioners
V/s.
State of Maharashtra and ors. ..Respondents

Mr. Abhijit P.Kulkarni a/w. Mr.Aditya Mahadik, Ms.Sweta Shah and Mr.Krishna Jaybhay for the Petitioner.
Mr. V.S.Gokhale 'B' Panel for Respondent No.1 to 3.
Mr. Sunil D.Shinde for Respondent No.4.

**CORAM : R.D.DHANUKA, AND
GAURI GODSE, JJ.**

DATE : 21 MARCH 2023

P.C.

. Rule. Mr.Gokhale waives service for Respondent No.1 to 3 and Mr.Sunil Shinde waives service for Respondent No.4. Rule is made returnable forthwith. By consent of parties, the matters are taken up for final hearing.

2. Petitioners have pressed for an order and direction against Respondent No.1 and 2, for payment of compensation of the subject land under the notice dated 06/07/2020 in favour of the Petitioners in Execution Petition

No.1500023/2006, pending before the learned Civil Judge Senior Division, Baramati, Dist. Pune.

3. It is common ground that execution proceeding filed by the Petitioners (original Plaintiffs) are stayed by the Hon'ble Supreme Court by an order dated 12/02/2021 in Special Leave to Appeal No.1588/2021. We are informed that the amount of compensation deposited by Respondent No.1 and 2 is lying with Sub Divisional Officer Baramati. Learned counsel for the parties agreed that in view of the pendency of the proceedings before Supreme Court arising out of Order passed by this Court and the Execution Proceedings filed by the Petitioners having been stayed, it would be appropriate to direct the Respondent No.1 and 2 to deposit the said amount of compensation before the Executing Court. Statement is accepted.

4. In our view, it would be appropriate to direct the Respondent No.1 and 2 to deposit said amount of compensation lying deposited with the Respondent No.2 or any other account, in Execution Petition No.1500023/2006 filed by the Petitioners before learned Civil Judge Senior Division, **Baramati**, within three weeks from the date of

communication of this order. Respondent No.2 shall communicate to the Petitioners as well as contesting Respondents once amount is deposited. The Executing Court shall then invest the said amount in fixed deposit in any Nationalised Bank, initially for a period of two years and thereafter for like period depending upon the pendency of the said Special Leave to Appeal No.1588/2021, filed by Respondent No.4 before the Hon'ble Supreme Court. Respondent No.4 to communicate the outcome of the proceedings filed by him before Hon'ble Supreme Court to the Petitioner as well as to the Executing Court within one week from the disposal of the proceedings by the Supreme Court.

5. Depending upon the outcome of the proceedings of the Hon'ble Supreme Court parties shall be at liberty to apply before the appropriate Court for early hearing. Hence, following order is passed:

ORDER

1. Writ Petition is disposed of in abovesaid terms.
2. Rule is made absolute. No order as to the costs.
3. Parties to act on authenticated copy of this order.

GAURI GODSE, J.

R.D.DHANUKA, J.