



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

60 WRIT PETITION NO. 827 OF 2024

MANISHA KUNDAN PATIL

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

.....Respondent

.....

Mr. Patil Vinod Prakash, Advocate for the Petitioner
Mr. P. K. Lakhotiya, AGP for the Respondents State
Mr. S. S. Deve, Advocate for Respondent No.2,
Mr. S. P. Undre, Advocate for Respondent No.5.

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRADE, JJ.

DATE : 23rd January, 2024

ORDER:

1. The Petitioner claims to be the daughter of Anita and Suresh. Suresh is Respondent No.5 in the present Petition. Anita has passed away. Suresh has already received the share of compensation on account of land acquisition. The Arbitrator has now delivered the judgment dated 22.06.2023, by which the compensation amount has been enhanced. Consequently, Suresh will also be entitled to an enhanced amount. The original amount has already been withdrawn by Suresh to the extent of his share. If he takes enhanced amount, the Petitioner would not get any share, though being a biological daughter and the property being an ancestral property.

2. The learned AGP points out that the Petitioner is already before the Trial Court in Special Civil Suit No. 159 of 2017, wherein she has sought a share in the compensation flowing from Suresh. Exhibit 5 application has been rejected since the Arbitration proceedings were pending and also on interim appreciation of the claim of the Petitioner.

3. We find that exercising our Writ jurisdiction under Article 226, when already a civil suit is pending from 2017, would amount to indulgence. Instead, the civil proceeding can be expedited. So also, there is no embargo on filing applications for temporary injunction.

4. The learned Advocate for the Petitioner submits that the Petitioner would file an application for temporary injunction in the light of changed circumstances on account of the order of the learned Arbitrator.

5. In view of the above, **this Petition is disposed off.**

6. Needless to State, if the Petitioner moves an application for temporary injunction, we are confident that the learned Court would consider the said application on its merit, expeditiously. So also, the prayer for restraining disbursement of the enhanced amount to Suresh only, would be considered expeditiously.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan