



**THIS ORDER IS CORRECTED AND UPLOADED IN VIEW OF
THE ORDER DATED 02.07.2024.**

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**108 CIVIL APPLICATION NO. 2916 OF 2024
IN FAST/13839/2023
WITH
CIVIL APPLICATION NO. 5745 OF 2023
IN FAST/13839/2023**

**MANSUB PARASHRAM GAAIKHE
VERSUS
EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION 1
AURANGABAD AND ANR**

...
Advocate for Applicant : Mr. Bade Patil Kalyan D.
AGP for Respondents/State : Mr.A.M. Phule
Advocate for Respondent No. 1 : Mr. Suresh W. Munde

...

**CORAM : KISHORE C. SANT, J.
DATE : 18th JUNE, 2024.**

PER COURT :

1. Heard for some time on the point of jurisdiction of this Court.
2. It is clear that the land is situated within the jurisdiction of the Civil Judge, Senior Division, Malegaon, District Nashik, which came to be acquired by the present

appellant.

3. The Land Acquisition Reference was also filed in the Court of learned CJSD, Malegaon, District Nashik. The learned CJSD comes under the jurisdiction of the Principal Seat. The appeal and the application is however filed before this Court.

4. This Court thus, noticed that the matter is not maintainable here and called for the report from the registry.

5. The learned Registrar, (Judicial) of this Court has sent the report stating that the appeal would lie before the Principal Seat at Bombay.

6. Learned Advocate for the appellant vehemently argued that the appeal is rightly filed before this bench as the office of Acquiring Body is situated at Aurangabad and thus, it is this Court which is having the jurisdiction.

7. This Court is not convinced with the argument advanced by the learned Advocate for the appellant. He is requesting this Court to transfer the application and appeal to the Principal Seat.

8. This Court is not convinced. It is open for the applicant to withdraw the application and the appeal and present it before the Principal Seat.

9. By order dated 19.03.2024 in Civil Application No. 5745 of 2023 this Court had directed the applicant to deposit the entire amount of the award with interest in this Court. Since the amount is lying in this Court, it would be in the interest of justice to transfer the amount to the Executing Court, wherein, it is reported that the execution proceedings is already filed and pending.

10. Exercise of transferring of the amount to the Court of CJSD, Malegaon, District Nashik be completed within two weeks from today.

11. **Appellant/Applicant is entitled to refund of Court fees as per Rules.**

12. **The First Appeals and pending applications stand disposed off.**

**(KISHORE C. SANT)
JUDGE**