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907-ca-9653-22

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

**907 CIVIL APPLICATION NO. 9653 OF 2022
IN SA/16/2017**

**DEELIP NARHARRAO JOSHI AND OTHERS
VERSUS
PURUSHOTTAM NARHARRAO JOSHI AND OTHERS**

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Advocate for Applicants : Mr. J.M. Murkute
Advocate for Respondent No.1 : Mr. P F Patni
Advocate for Respondent Nos.5,6,8 : Mr. S.B. Choudhari
Advocate for Respondent No.3-A : Mr. S.S. Gangakhedkar

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**WITH
SECOND APPEAL NO. 16 OF 2017**

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 03.05.2024

PER COURT :

1. By the present application, the applicants who are original respondent Nos. 4, 5, 6 and 1/1 to 1/3 have filed present application with the following prayer :-

B) The order dated 09/07/2019 in Civil Application No. 269/2017 may kindly be recalled and the applicants may kindly be permitted to withdraw the compensation amount from land Gut No. 506, 507 and 508 situated at Shirur Tajband, Tq. Ahmadpur, District Latur, which comes in their share, (the applicant No.4-A to 4-C have relinquished their share in favour of applicants No.1 to 3).

C) Pending hearing and final disposal of Second Appeal No. 16/2017 the amount which alleged to be comes in the share of plaintiff : Purushottam and Vishwajeet – Def. No.3, and his legal heirs from Gut No. 507 situated at Shirur Tajband, Tq. Ahmadpur, District Latur to be kept/remained as it is in the office of Sub-Divisional Officer, Latur.

2. Needless to say that on 09.07.2019 after hearing all the parties to the Second Appeal, the following order came to be passed :

“01. Since the appeal has been admitted and the fact that the interim relief is operating since 08th August 2018, it is continued till the final hearing and disposal of the second appeal.

02. The statement appears to have been made by the respondents, that till next date, they will not seek withdrawal of the compensation lying with the acquiring body. Taking into consideration the change in the nature of the property and the fact that the appellant is seeking share in the same, the acquiring body shall not release the amount of compensation till the decision of the second appeal.

03. The civil application is disposed of in the above terms.”

3. Since the proportionate share of the parties to the Second Appeal is the subject matter of the Second Appeal, therefore, by way of interim relief, no final relief can be granted.

4. In view of the above, present Civil Application is disposed of.

5. Since the matter is pertaining to 2017, it be placed for final hearing in week commencing 15.07.2024.

(Y. G. KHOBRAGADE, J.)

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