



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

WRIT PETITION NO. 7745 OF 2024

**GANGADHAR DADASAHEB BHOSALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS**

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Ms Sangita S. Bhilange, Advocate for the Petitioners
Mr. N. S. Tekale, AGP for the Respondent – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 29.07.2024

PER COURT :-

1. We have heard the learned Advocates for the respective sides.

2. Regular Civil Suit No.96 of 2007, was initiated by these Petitioners against the State and the Acquiring Body. A judgment was delivered on 13.06.2011. A Regular Civil Application is said to have been filed. We are also informed that a Miscellaneous Civil Application No.5 of 2015 was preferred by the State Government and the Acquiring Body, on 14.01.2015 for challenging the judgment and decree of the trial Court. The delay has been condoned and cost of Rs.35,000/- is directed to be

deposited. The learned Advocate for the Petitioners makes a statement that the Government has not deposited the said amount and, therefore, the Civil Appeal has still not been registered.

3. Time and again, the Hon'ble Supreme Court has cautioned that the High Court should not function as an executing Court. If the decree in favour of the Petitioners is to be put to execution, the Petitioners will have to avail of a remedy as is permissible in law.

4. By keeping open the liberty to initiate proceedings for execution of the decree, **this Writ Petition is disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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