



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

1047 WRIT PETITION NO. 9759 OF 2023

**HARIBHAU LAXMAN TAYDE
VERSUS
LAXMAN ASARAM TAYDE & OTHERS**

...
Advocate for the petitioner : Adv.Nitin K. Chaudhari h/f.
Mr.B.G.Deshmukh
AGP for Respondent-State : Adv.S.N.Kendre
Advocate for Respondent nos.1 to 5 and 7 : Mr.R.V.Gore
Advocate for respondent no.6 : Mr.S.G.Kawade
Advocate for respondent no.11 : Mr.Rohit Survase h/f.
Adv.B.R.Survase

...
**CORAM : ARUN R. PEDNEKER, J.
DATE : 08.10.2024**

P.C. :

- 1] Heard the learned counsel for the parties.
- 2] By the present petition, the petitioner-plaintiff seeks modification of the impugned judgment and order dated 05.12.2022 passed by the Ad-hoc District Judge-1, Vaijapur in MCA No.28/2022 and also seeks stay to the extent of withdrawal of the decretal amount / award passed in LAR No.133/2012 and LAR Darkhast No.464/2017.
- 3] There is agreement between the parties that to the extent of the share of the petitioner, the petitioner can be protected to the extent of 1/7th share of the petitioner -

plaintiff. As such, it is directed that the respondents–defendants are permitted to withdraw the amount of their share. If any excess amount is withdrawn by the claimants in LAR No.133/2012 and LAR Darkhast No.464/2017, they would deposit the said amount before the Civil Judge Junior Division, Vaijapur in Regular Civil Suit No.31/2022.

4] The respondent nos. 1 to 5 and 7 undertakes before this Court that any amount withdrawn by them in the aforesaid Land Acquisition References, they would deposit the amount of 1/7th share of the plaintiff – petitioner before the Civil Judge Junior Division, Vaijapur in Regular Civil Suit No.31/2022 within four weeks.

5] The learned counsel for the respondent no.6 submits that the respondent no.6 can be protected. However, the respondent no. 6 is not petitioner in the present petition, nor the plaintiff in the suit. The respondent no.6 may file appropriate proceedings as may be available in law and seek relief before the appropriate Court.

6] In view of above, the impugned order dated 05.12.2022 stands modified to the above extent. Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE