

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 16451 OF 2023

Gangubai Shivaji Pawale

... Petitioner

V/s.

Sub-Divisional Officer and Ors.

... Respondents

Mr. Aniruddha A. Garge with Jitendra Oak for the Petitioner

Mr. Vikas M. Mali, AGP for the Respondents 1,2 and 4

***CORAM : NITIN JAMDAR &
AMIT BORKAR, JJ.***

DATE : 08 APRIL 2024

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner is aggrieved by the order passed by the Sub-Divisional Officer, Maval dated 24 July 2023 rejecting the objections raised by the Petitioner and disbursing the amount of compensation. The Petitioner has filed this Petition in respect of land Gat No.12 situated at Village Pawalewadi, Kalhat, Taluka Maval, District Pune. According to the Petitioner, the land was acquired by the Maharashtra Industrial Development Corporation.

After the acquisition the amount of compensation was deposited. The Petitioner raised an objection and also sought 1/7th share in the compensation in respect of Gat No.12. By the impugned order this objection has been rejected. We are informed that the amount is already disbursed to the Respondent No.3.

3. The impugned order refers to a pendency of the civil suit. The copy of the plaint filed by the Petitioner and the application for interim injunction is on record. It is pointed out by the learned Counsel for the Petitioner that the Gat No.12 is a part of the property listed in the schedule of the plaint. A suit is for partition. Now, since the amount is already disbursed and the civil suit between the parties is pending, it is open to the Petitioner to seek necessary amendment by applying to the concerned Civil Judge since the property has undergone a change. Any relief as regard the compensation received by the Respondent No.3 would now be the subject matter of the pending civil suit. Since we have not issued any notice to the Respondent No.3, all contentions of the parties are kept open.

4. The Writ Petition is disposed of.

AMIT BORKAR, J.

NITIN JAMDAR, J.