

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12691 OF 2025**

Shivaji Pita Lakshaman Chavan,
Since Deceased Through LRs. & Anr.Petitioners
Vs.
The State of Maharashtra & Ors.Respondents

Mr. Ashok B. Tajane, for the Petitioners.
Mr. Sanjay D. Rayrikar, AGP, for the Respondents-State.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 11th DECEMBER 2025

PC.:-

1. The present Writ Petition takes exception to common order passed by learned Civil Judge, Senior Division at Solapur below Exhibits 30 and 31 in Special Darkhast No.22 of 2020.
2. The Petitioner is Decree Holder in land acquisition proceeding. The award passed by Reference Court is subject matter of First Appeal before this Court in which operation and implementation of award passed by Reference court has been stayed. In this background, Petitioner filed applications Exhibit 30 and 31 for release of entire decreetal amount. The Executing Court refused to entertain application observing that this Court vide order dated 7th

October 2024 passed in Interim Application No.23877 of 2024 in First Appeal (St) No.23874 of 2024 has stayed execution of Judgment and Decree, which is subject matter of execution proceeding.

3. In that view of matter, rejection of application for withdrawal of amount is justified. No case is made out to cause interference under Article 227 of Constitution of India.

4. Hence, Writ Petition stands rejected.

5. Needless to state that Petitioners shall be at liberty to move appropriate application in pending First Appeal seeking withdrawal of amount deposited in pursuance of award of Reference Court.

(S. G. CHAPALGAONKAR, J.)

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