

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14255 OF 2024

Sau. Jagruti Rajesh Mundkar nee
Jagruti Gangaram Patil

...Petitioner

V/s.

Janardan Vithal Patil and Anr.

...Respondents

Mr. Rohan Shinde with *Ms. Harshita B. Jangid i /b. Mr. Yogesh Dandekar for the Petitioner.*

Ms. Aparna Shinde (through VC) for Respondent No.1.

Mrs. Savita A. Prabhune, AGP for Respondent -State.

CORAM: SANDEEP V. MARNE, J.

Dated: 29 April 2025.

P.C.:

1) Petition challenges order dated 6 April 2024 passed by the executing court rejecting the application at Exhibit-10 preferred by the Petitioner objecting to the execution of the decree. The execution proceedings are filed for execution of decree dated 30 September 2021 passed in Land Acquisition Reference No.48 of 2017 by which the Reference Court has awarded enhanced compensation in favour of the first Respondent. Petitioner claims to be a sharer in the acquired

land and therefore desired his impleadment as an applicant in the execution proceedings.

2) Respondent No.1 does not admit that Petitioner has any share in the acquired land. In that view of the matter, Petitioner will have to institute appropriate proceedings seeking declaration of his title in respect of the acquired land and pray for recovery of his share in the compensation from the Respondent. While deciding the issue of execution of the decree dated 30 September 2021 the executing court is not supposed to conduct enquiry into the title dispute between the Petitioner and the first Respondent.

3) I therefore, do not find any valid reason to interfere in the impugned order. Reserving the liberty for the Petitioner to adopt appropriate proceedings, Petition is disposed of.

[SANDEEP V. MARNE, J.]