

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 851 OF 2025
IN
FIRST APPEAL NO. 343 OF 2025

Bhanudas Gopal Gaikwad ...Applicant
Versus
State Of Maharashtra Thr. Land Acquisition ...Respondent
Officer @ Sub Divisional Officer, Solapur

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Mr. Vaibhav Ugle a/w Ms. Rutika Karale and Shubham Vasekar for the
Applicant.
Mr. A.R. Patil, Addl. G.P. for Respondent No.1/State.
Mr. Ramdas Shelke for Respondent Nos. 1 & 5.

CORAM : M.M. SATHAYE, J.
DATE : 1st AUGUST, 2025

P.C. :

1. This is an application filed essentially seeking stay of the impugned order passed in the land reference. Prayer clauses (a) and (b) are unnecessary and they are permitted to be deleted. Amendment to be carried out during the course of the day.
2. Learned Counsel for the Respondent Nos. 2 and 5 have filed Affidavit-in-Reply opposing the present application.
3. Perusal of the impugned Judgment and Order indicates that the reference was heard for the purpose of apportionment of amount between the family members. Under the impugned order, the shares have been apportioned giving equal shares.

4. Learned Counsel for the Respondent Nos. 2 and 5 submitted that when the reference was heard, the present Appellant had filed an affidavit Exh.65 accepting equal shares. He points out that this affidavit is already considered by the Reference Court in paragraph 3 of impugned order.

5. Learned Counsel for the Applicant /Appellant, however submits on instructions that this affidavit was subsequently withdrawn by the Appellant.

6. Considering the fact that the reference is limited only to the extent of apportionment and Appellant being original Respondent No.4 is the only person disputing the apportionment now, the dispute lies in a very limited compass.

7. In that view of the matter, the Appellant is directed to file a compilation of pleadings and evidence which was part of the Reference Court's record, within a period of 4 weeks from today. After the compilation is so filed, Respondent Nos. 2 and 5 are at liberty to move for disposal of the appeal itself, in view of the controversy narrated above.

8. Stand over to 29.08.2025. Ad-interim relief granted earlier to continue till then.

(M.M. SATHAYE, J.)