

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13382 OF 2025

Gopal Savlya Gharat Since Deceased Through ..Petitioners
Legal Heirs

Versus

The State of Maharashtra Through Collector and ...Respondents
Ors

Mr. Sachin S Punde, with Deepa S Punde, for the Petitioners.
Smt. P. J. Gavhane, AGP, for Respondent No.1.
Mr. Hemant Ghadigaonkar, for the Respondent.

CORAM: N. J. JAMADAR, J.
DATE : 15th DECEMBER 2025

ORAL ORDER:

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 14th August 2025, whereby while allowing the Applications to release the compensation amount (Exhibits “45” and “51”), the learned Civil Judge directed that the amounts be released only after correction is carried out in the Award passed in LAR No. 33 of 1996.
3. The Petitioner and Respondent Nos. 2 to 9 entered into Consent Terms in Second Appeal No. 413 of 2017. It was decided that the Petitioner would be entitled to 63% share in the compensation amount, while Respondent Nos. 2 to 9 will have 37% share.

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4. While determining the Application for withdrawal of compensation amount, the learned Civil Judge noted that, there was discrepancy in the name of the Claimant No.3 in the Award and the Award drawn pursuant to the judgment passed by the Reference Court in LAR No. 33 of 1996.

5. In the award the name of the Claimant No. 3 is mentioned as Ranjana Aniruddha Patil, whereas in the Award drawn post the judgment in LAR No. 33 of 1996, the name of Claimant No. 3 is mentioned as Rajani Aniruddha Patil.

6. The learned Civil Judge has thus directed that the amount be released only after the correction having been made in the Award passed in LAR No. 33 of 1996.

7. Since the shares of the Petitioner and Respondent Nos. 2 to 9 have been determined pursuant to the Consent Terms filed in Second Appeal No. 413 of 2017, the Petitioner could not have been deprived of the compensation amount till the name in the Award passed in LAR No 33 of 1996 is corrected.

8. Resultatnly, the impugned order to the extent it directs the Petitioner to take steps to correct the Award in LAR No. 33 of 1996 and only thereafter the amount be released, stands quashed and set aside.

9. The amount of compensation be released in favour of the Petitioner in terms of the impugned order upon due identification and execution of the Indemnity Bond.
10. The Respondent Nos.2 to 9 are at liberty to take appropriate remedies qua the impugned order.
11. Petition stands disposed.

[N. J. JAMADAR, J.]