IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15858 OF 2025

Laxman Gopal Taware Since Decased
Through LRs. and anr. ...Petitioners

Versus

The State Of Maharashtra Thr. Revenue
Department And Ors. ...Respondents

SANTOSH SUBHASH KULKARNI

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Date: 2025.12.09 10:36:33 +0530

Mr. Sachin Hande, for the Petitioners.
Smt. Madhubala Kajle, 'B' Panel Advocate for the State.

CORAM: N. J. JAMADAR, J.
DATED: 8th DECEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the petitioners.

2. The challenge in this petition is to an order dated 15th October, 2025 passed by the learned District Judge, Bhiwandi, whereby an order passed by the Executing Court dated 27th March, 2025 on the application (Exhibits-113 and 125) in Darkhast No.1 of 2025 thereby declaring that the petitioner is entilted to a sum of Rs.12,79,65,315/- towards the award.

3. The learned Counsel for the petitioners submitted that an appeal against the said determination is not maintainable before the learned District Judge. Therefore, the Appellate Court ought not have stayed the effect, operation and implementation of the

order dated 27th March, 2025. It was further submitted that the petitioners are pursuing the proceedings for award of compensation since the year 1984.

4. Since the Appellate Court has passed an interim order staying the execution and operation of the order which is impugned in the appeal till the determination of the application for condonation of delay, at this stage, this Court may not be justified in interfering with the said order.

5. Thus, the Court considers it expedient to dispose this petition with a direction to the District Court to hear and decide Civil Misc. Application No.45 of 2025 itself finally, as expeditiously as possible, and, preferably, within a period of two months from the next scheduled date of the listing of Civil Misc. Application No.45 of 2025.

6. All questions including the question of maintainability of the appeal are kept open for determination by the learned District Judge.

7. The petition stands disposed.

[N. J. JAMADAR, J.]