



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.F. NO.308/2024

IN

FIRST APPEAL NO.175/2024

(Yashwant S/o Shioram Wankhede Vs. Gajabai W/o Shivaji Gondande through L.Rs. Vaishali W/o Yogesh Sakhare
and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.N. Nandeshwar, Advocate for the appellant.
Mr. H.R. Dhumale, A.G.P. for respondent No.3.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 28.2.2025.

The appellant has filed this application to stay the order passed by the Reference Court dated 2.11.2023.

2. By the present appeal the appellant has challenged the order passed by the Reference Court in favour of respondent No.2. Respondent No.2 is the daughter of original owner of the suit property i.e. House No.28 situated at village Mahalgaon, Taluka Pauni, District Bhandara.

3. Learned Advocate for the appellant has stated that the appellant has purchased the said property before 7 years of the acquiring of said village and the petitioner's name was mutated in Grampanchayat record and the award was passed in favour of the appellant. After passing the award, respondent No.2 has claimed that she is the daughter of the deceased Gajabai Gondane and her mother has not sold the said property to appellant. She has filed reference and Reference Court has passed the award and allowed the reference in favour of respondent no.2 holding that she is entitled for the compensation in respect of House No.28 situated at Mahalgaon.

4. Though respondent No.2 is served she is not present before the Court.
5. Heard learned Advocate for the appellant and learned A.G.P for respondent No.3-acquiring body.
6. Considering the dispute between the appellant and the respondents the order passed by the Reference Court is stayed till the disposal of the present appeal.
7. Application stands disposed of accordingly.

(MRS.VRUSHALI V.JOSHI, J.)