

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 668 OF 2026

Tanishq Alias Vedant Santosh Belhekar

VERSUS

Santosh Babasaheb Belhekar And Another

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Advocate for the Petitioner : Mr. Darandale Ganesh P.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JANUARY 20, 2026

PER COURT :-

1. Heard.
2. Present petition takes exception to order dated 22.09.2025 passed by Civil Judge Senior Division, Newasa District Ahmednagar below Exhibit-403 in Regular Civil Suit No.134 of 2012.
3. The petitioner's father filed suit for declaration of ownership and perpetual injunction in respect of suit land. In that suit, petitioner's father moved application below Exhibit-30 for stopping payment of sugarcane sent for crushing in the name of defendants to sugar factory. It is contention of plaintiff that defendants name have been wrongly mutated on the basis of partition deed. The plaintiff asserts his own right in suit property. In this background, the application Exhibit-30 was allowed and directions were given to sugar factory to deposit amount of sugarcane in Court. Accordingly, the amount is deposited and same is kept in Court. In this background, the petitioner who is son of plaintiff and defendant

no.2 filed an application seeking permission to withdraw amount deposited by sugar factory, as he was required to pay college fees. The Trial Court rejected said application on the ground that rights of parties in suit are yet to be crystallized and unless the rights are decided, the amount which has been received from sugar factory cannot be disbursed.

4. Learned advocate appearing for petitioner would submit that petitioner is pursuing his education in MIT College at Pune and needs to pay his fees. He is in financial crunch and only amount deposited in Court is available at his disposal. It is trite that application for withdrawal of amount in suit can be entertained only if party has semblance of right to receive the amount. In present case, there is dispute as to right over suit properties. The rights of parties would be crystallized on conclusion of trial. The distribution of amount can be made once rights of parties are crystallized. At this stage, petitioner/defendant cannot assert his exclusive right to receive the amount.

5. In that view of the matter, the Trial Court is justified in rejecting the application. No jurisdictional error is brought to the notice of this Court to cause interference under Article 227 of Constitution of India. Hence, writ petition stands rejected.

(S.G. CHAPALGAONKAR, J.)