



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

953 WRIT PETITION NO.7486 OF 2025

**Barku Vitthoba Koli Died Thr Lrs Ganesh Barku Tayade And
Others
VERSUS
The State Of Maharashtra And Others.**

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Advocate for the Petitioner : Mr. S.P. Tiwari
AGP for Respondents: Mr. S.R.Yadav Lonikar
Advocate for Respondent 5 : Mr. A.B. Kale

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 01, 2026

PER COURT :-

1. Present writ petition takes exception to the order dated 1.4.2025 passed by the learned Joint Civil Judge S.D., Jalgaon, below Exhibit-69 in Regular Darkhast No.485 of 2020.

2. The respondent no.5 alongwith his father were the claimants in LAR No.163 of 2017 in respect of acquisition of the land gat no.106 and 102. The L.A.R. was decided on 4.10.2019. Regular Darkhast No.485 of 2020 was filed for recovery of compensation amount in terms of the award passed by Reference Court. In the said proceeding, petitioner filed objection stating that they are also entitled to claim share in the compensation amount. The Executing Court observed that mutation entry no.847 which has been sanctioned in the year 1995 depict that Barku Koli gave land gat no.106 admeasuring 1H 68R to

Dnayneshar Barku Koli i.e. respondent no.5. Said mutation entry was effected on the basis of partition-deed. The 7/12 extract reveals that three mango trees were mutated in the name of Barku Koli and, therefore, his name was appearing in the Award in L.A.R. No.163 of 2017.

3. Although the objector are raising their claim in compensation awarded in L.A.R. No.163 of 2017, prima facie, no material was placed before the Executing Court in support of their contentions. They sought stay of execution proceeding, however, it is not their case that they have filed any suit for asserting their right. It is not clear as to why execution in the Regular Darkhast no.485 of 2020 is required to be stayed. This court finds that learned Executing Court considered the aforesaid aspects alongwith supporting affidavits filed by sisters in favour of respondent no.5, refused to entertain petitioner's prayer for stay of Execution proceeding. This Court do not find any reason to interfere in the order impugned. In result, writ petition stands **rejected**. However, petitioners shall be at liberty to establish their rights, if any, by filing appropriate proceeding as permissible under law.

(S. G. CHAPALGAONKAR, J.)

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aaa/-