



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

936 WRIT PETITION NO. 3407 OF 2026

Dashrath Tukaram Dhumal

VERSUS

Arjun Tukaram Dhumal

...

Advocate for Petitioner : Mr. K.R. Doke

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 01, 2026

ORDER :-

1. The petitioner is objector in LAR No.203 of 2017, which is renumbered as Civil MA No.120 of 2024. It is contention of the petitioner that land gat no.559 was ancestral and joint family property. Petitioner and respondent both are having equal interest in the property. The area to the extent of 200 square meters is acquired for National High Way and final award is passed on 9.6.2011. In that award, respondent is shown as sole owner. The petitioner filed his objection claiming his right over compensation amount.

2. The petitioner had also filed R.C.S. No.15 of 2018 seeking the relief of partition and separate possession in which land gat no.559 is suit property and same is subject matter of acquisition. In that suit, final judgment and decree is passed

and petitioner's claim over suit property has been rejected. The petitioner has now filed appeal before District Judge, which is pending.

3. Pertinently in Civil M.A. No.120 of 2024 the issue is framed as to "*whether objector and respondent are entitled to receive the amount of compensation as per decision of the partition suit bearing RCS no.15 of 2018?*"

4. The petitioner filed an application in Civil M.A. No.120 of 2024 below Exhibit-110 contending that said issue needs to be deleted as it has become redundant or inapplicable. The learned District Judge rejected petitioner's application observing that rights of the parties in respect of suit property were subject matter in R.C.S. No.15 of 2018. The suit has been decided after hearing the parties. Therefore, the decision in suit has bearing over proceeding in Civil M.A. No.120 of 2024. Thus, the issue framed in reference is appropriate and necessary.

5. This Court has no reason to interfere in the conclusion drawn by the learned District Judge while rejecting application filed below Exhibit-110. The portion of land, which is also subject matter of acquisition is part of the agricultural land

which is also subject matter of the suit. The petitioner has claimed his right over said landed property, therefore, issue was rightly framed in suit. The suit is decided against petitioner. It is true that the appeal is filed against the decree passed in RCS No.15 of 2018. Reference Court will be bound by the decree which would be ultimately passed in appeal.

6. In that view of the matter, the issue framed in the reference as to whether the objector and respondent are entitled to receive the compensation amount as per the decision of partition suit bearing R.C.S. No.15 of 2018 is essential in pending reference. This Court finds no merit in the writ petition. Hence, writ petition stands **rejected**.

(S. G. CHAPALGAONKAR, J.)

...

AAA/-