

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16333 OF 2025

Late Jaylaxmi I Vora

Through LR's

..Petitioner

Versus

Special Land Acquisition Officer

...Respondent

Mr. Surel Shah, Senior Advocate, a/w Mr. Rushabh Sheth &

Mr. Sayeed Mulani i/b Mulani & Co., for the Petitioner.

Mr. M S Srivastava, AGP for Respondent Nos. 1 & 2 - State.

CORAM: N. J. JAMADAR, J.

DATE : 7th APRIL 2026

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 30th July, 2025 passed by the learned Civil Judge, Thane, whereby the statement made on behalf of the respondent/award debtor that only an amount of Rs. 83,53,232/- (Rupees Eighty Three Lakhs Fifty Three Thousand Two Hundred and Thirty Two), already deposited by the judgment debtor in the Court, is sufficient to satisfy the award passed by the District Court in LAR No. 31/1982, was accepted.
3. The substance of the petition is that, the Respondent – State had earlier made a statement that, under the said award, a sum of Rs. 1,21,93,932/- (Rupees One Crore Twenty One

Lakhs Ninety Three Thousand Nine Hundred and Thirty Two) was due and payable, and out of the said award amount, a sum of Rs. 83,53,232/- (Rupees Eighty Three Lakhs Fifty Three Thousand Two Hundred and Thirty Two) was deposited by the Respondent – State in the Court.

4. Attention of the Court is invited to a purshis dated 20th January, 2005 filed on behalf of the respondent in the RD No. 03/2001, and a calculation sheet submitted on behalf of the Respondent indicating the amount due and payable under the award.

5. In the affidavit-in-reply filed on behalf of the Respondent No. 1, the aforesaid documents were sought to be explained away by contending that while submitting the proposal to the State Government, the SLO had committed an error in calculating the correct date for the purpose of the payment of compensation and, therefore, an enhanced amount was shown as due under the Award.

6. In the backdrop of the aforesaid explanation now sought to be offered on behalf of the Respondent No. 1, it may be appropriate that, the learned Civil Judge frames and decides an issue of the amount, due and payable under the award to the

petitioner/award holder, so that the controversy is put to rest once and for all.

7. Thus, the Writ Petition stands disposed with a request to the learned Civil Judge, Thane, to frame and decide an issue of the exact amount, due and payable under the award after providing an opportunity of hearing to the parties.

8. The said issue shall be decided without being influenced by the observations in the impugned order.

9. Subject to the outcome of the decision on the aforesaid issue, the decree holder shall be at liberty to take out further application(s).

[N. J. JAMADAR, J.]