

MHJN110000122017



**ORDER BELOW EXH.56 IN LAR NO. 173/2017**  
**Mangalsing Vs. Ramrao**

This application is filed by Mangalsing/objector for stay the proceeding till decision of Collector regarding correction in Award.

2] In short it is contentions of objector Mangalsing that, during the course of evidence of Govt. employee (witness no.4) Prabhakar Mundhe, it has come on record that, the name of Mangalsing Rajput is not mentioned in the column of Khatedar in the final Award. It has further come in the evidence of witness no.4 that, the name of Ramrao Mane is mentioned at two places in the final Award. Collector has power to correct the Award.

3] According to ld. counsel for objector that, objector has filed application before collector Jalna for correction in the Award therefore, till decision of the collector, trial of present proceeding be stayed.

4] Respondent filed objection for stay the proceeding till decision of the collector. According to respondent, matter is part heard. Final Award is prepared in the year of 2017. Objector wants to prolong the matter. There is no provision to stay the proceeding under

National Highway authority Act. Lastly, prayed for rejection of the application.

5] Heard ld. advocates for both the parties. According to objector Mangalsing, there is mistake in the final Award. The name of Mangalsing is not mentioned in the column of Khatedar of acquired land. The name of Ramrao Mane is mentioned at two place. The said fact is admitted by the Govt. witness no.4 during the course of his evidence. Therefore, objector Mangalsing has filed application before collector, Jalna for correction in the final Award as above. Therefore, till the decision of collector Jalna, the present proceeding be stayed. In support of his contentions ld. advocate for objector has relied on the following case laws ;

<i>(i)</i>	<i>Nagnath Malkarjun Hundekar Vs. Mandabai Malkarjun Hundekar &amp; ors., Writ Petition No.13594 of 2019 dt. 08 Oct, 2021</i>
<i>(ii)</i>	<i>Smt. Parvathi Vs. Special Acquisition Officer &amp; ors., on 30 Oct, 2023</i>
<i>(iii)</i>	<i>Arun Trimbakrao Lokare Vs. The State of Maharashtra &amp; Ors., on 29 June, 2017 , Writ Petition No.1949/2017</i>

6] On the other hand, it is contentions of respondent that, matter is part heard, evidence of some witnesses is already recorded. The final Award is already passed in favor of respondent. The objector filed this application only to prolong the matter. There is no provision to stay the proceedings under National Highway Authority Act.

7] I have peruse the case laws cited on behalf of objector Mangalsing. Heard ld. advocates for both the parties. I respectfully

submits that, the ratio and facts of the case laws cited on behalf of objector is not identical with the facts of the case at hands. In the case before Hon'ble High Court, the dispute was pending before civil court between the parties regarding the title of the land therefore, the proceedings pending between the parties regarding the entitlement of the compensation was stayed. However, in the case before this court, there is no dispute is pending between the parties regarding the title of the land before Civil court. Moreover, the question of mistake in the final Award in respect of name of one Khatedar is not ground to stay the proceeding pending before this Court. The said question of mistake will be considered at the time of final hearing and after recording of entire evidence of all parties. Admittedly, two matters are pending in this court regarding entitlement of compensation. The evidence of one party is started and evidence of few witnesses is recorded. As stated above, the question of mistake in final Award can be considered at the time of final hearing and after recording of oral as well as documentary evidence of all parties. Therefore, the proceedings pending before this Court cannot be stayed as prayed by the objector petitioner. As such considering the above reasons, the application filed by objector petitioner at Exh.56 is liable to be rejected. In the result, I pass the following order :-

**ORDER**

Application Exh.56 is rejected.

Date :- 10.06.2025

**( M. J. J. Baig )**  
District Judge-2, Ambad