



MHRG010009932021

DARKHAST NO.09/2021

Tukaram Budhya Bhoir & Ors.
Vs.
The State of Maharashtra

ORDER BELOW EXH.1.

Perused the application. Heard Mr.Deodhar the Power of Attorney Holder the Decree Holder and D.G.P. Shri. Santosh Pawar. Also perused the AS report filed by nazir of the District Court, dtd.17/04/2023, which shows that the amount is not deposited in the District Court, Alibag. The report given by Sr.Clerk of writ section dtd.24/04/2023 shows that the First Appeal No.618/1991 is disposed of. The report given by the nazir of C.J.S.D., Alibag, dtd.07/07/2023 shows that the amount is deposited in the court of Civil Judge Senior Division, Alibag in connection with L.A.R.No.385/1986. In view of the earlier of the passed below exh.10 on 23/11/2023. The say was called from the Judgment Debtor as to whether the amount deposited in C.J.S.D. is towards present Darkhast application arising out of L.A.R.No.385/1986. The Ld. District Government Pleader Shri.Pawar gave his say below exh.5 on 14/12/2023 and submitted that by mistake the amount in connection with L.A.R.No.385/1986 is deposited in C.J.S.D., Alibag instead of District Court Alibag. The JD has filed replied at exh.9 on 28/03/2023 contending that the amount was deposited in the

Court in connection with L.A.R.No.385/1986 and it has no objection to pay the amount to the Decree Holder.

2. It is argued by the Power of Attorney Holder of the Decree Holder that after long persuasion by Decree Holder the State has deposited amount in the court. The land of the Decree Holder is already been taken by the state. Since Decree Holder were perusing the officer of the Judgment Debtor the execution proceeding could not be filed in time. However, the state i.e. J.D. has deposited the amount in the Court of C.J.S.D. at Alibag and has given no objection and therefore now there is no need to go into the question of delay.

3. After going through the record and various reports filed and discussed above, now it is clear that the L.A.R.No. 385/1986 was filed, the First Appeal No.618/1991 was also filed and disposed of. The amount payable to the claimants i.e. Decree Holder is already deposited by the state in the Court of C.J.S.D.,Alibag instead of the District Court,Alibag which has passed the award in reference. The state has given no objection for payment of the amount to the Decree Holder. Under these circumstance considering the nature of the litigation and the fact that the state has deposited the amount without raising the dispute as to delay in filing execution proceeding I find there is no need to go in said question again. Since the amount payable under award in L.A.R.No.385/1986 is deposited in the court, same need to be directed to be paid to the Decree Holders and hence I pass following order:-

ORDER

1. The amount payable under award in L.A.R.No.385/1986, deposited in the court of C.J.S.D.,Alibag at 'C' No. 795, dtd.27/03/2020 amounting to Rs.38,74,149/- and the interest on it from F.D. be called in the District Court at Alibag-Raigad.
2. On receipt of amount from C.J.S.D.,Alibag as directed above, the amount alongwith accrued interest on it shall be paid to the Decree Holder on their due identification, by e-transfer or by net banking transfer directly in the account maintained by the Decree Holder with any Nationalized Bank.

Alibag,

Date :- 13/02/2024

(Aniruddha Y. Thatte)

District Judge-2, Raigad-Alibag.