

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 595 OF 2026
IN**

FIRST APPEAL NO. 269 of 1998

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Dattu Gangaram Aher, since deceased, through
LRs 1.1) Maruti Dattu @ Dattoba Aher And Ors. ...Applicants

In the matter between :

State of Maharashtra,
through the Special Land Acquisition Officer ...Petitioner

Versus

Chinchwad Deosthan Trust by its Trustees and Anr. ...Respondents

Mr. D. J. Haldankar, A.G.P., for the State.

**Mr. Prabhakar M. Jadhav, a/w Ms. Suchita R. Chavan, for
the Respondent No.2 in FA/269/1998.**

**CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : FEBRUARY 4, 2026**

ORDER :

1. Having heard the Learned Advocate for the Applicants for some time, it is apparent that the Reference Court in fact held that Respondent No. 2 was a person interested in the land and had declared the Award to be a nullity as the same had been passed without notice to Respondent No. 2, who is the applicant in this Interim Application.

2. It was also ruled that the corrections effected to the originally granted compensation were not arithmetical in nature and had led to a drastic reduction in the amount of compensation. The Reference Court had also indicated that the *inter se* rights between Respondent No. 1 and Respondent No. 2 would not be affected, and any disputes among them would need to be settled *inter se* through other legal proceedings.

3. The Application seeking withdrawal of 50% of the amount is essentially founded on the Appeal having abated insofar as it relates to Respondent No. 2, since, despite multiple opportunities given by the Registry, the legal heirs of Respondent No. 2 have not been brought on record. In view of the abatement, it is claimed by Respondent no. 2 that 50% of the amount should be released to him. This would have a bearing on the *inter se* rights between Respondent No. 1 and Respondent No. 2, and therefore it is necessary to hear the say of Respondent No. 1.

4. In these circumstances, it would be appropriate to hear the say of Respondent No.1. Registry to issue notice to Respondent No. 1, represented by Respondent Nos. 1A to 1E, the trustees of Respondent No. 1.

5. Let such notice be returnable on February 17, 2026. The applicants are also directed to effect private service in all permissible modes and to tender a service affidavit to that effect.

6. It is felt that it would not be appropriate to release the amounts to Respondent No. 2 without hearing the say of Respondent No. 1.

7. Stand over to **February 17, 2026.**

8. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]