

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

941. **LETTERS PATENT APPEAL STAMP NO.33863 OF 2011**  
**IN**  
**WRIT PETITION NO.2448 OF 2011**

VILAS DONGARLAL JAISWAL  
VERSUS  
PRABHAKAR D. JAISWAL AND ORS

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Advocate for Applicant : Mr.Tungar Nikhelish K.

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CORAM : R. M. BORDE & P.R. BORA, JJ.  
Dated: July 03, 2015

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PER COURT :-

1. The petitioner is challenging the order passed by the learned Single Judge in Writ Petition No.2448/2011 on 2.12.2011.
2. The petitioner claims an amount of interest on the principal amount, to which he is entitled to, before the executing Court by tendering application to the executing Court, however, the executing Court rejected the same. According to him, the judgment debtor is not entitled to receive the interest on the amount deposited in the proceedings before the trial Court.
3. It is not a matter of dispute that the execution proceedings are pending before the executing Court and all the issues are open for the executing Court to consider.

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**LPA ST.NO.33863/2011**

agp/-

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4. Since the petitioner has approached this Court at interlocutory stage, we deem it appropriate to direct that he may make appropriate request to the executing Court, and if at all he has any grievance after final decision of the executing Court in the pending execution proceedings, he shall have liberty to agitate all the grievances, including the grievance raised in the instant appeal, by presenting proceedings before appropriate forum.

With the clarification as above, the Letters Patent Appeal is dismissed.

( P.R. BORA, J. )

( R. M. BORDE, J. )

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