

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAS) NO. 237 OF 2014

IN

SECOND APPEAL NO. 134 OF 2014

Tejram Kawaduji Kapgate Vs. Vinayak Nanaji Dhote thr Lrs. Sumati wd/o Vinayak Dhote & Ors.

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Smt P. D. Rane Adv for applicants.

CORAM: A. S. CHANDURKAR J.

DATED: MARCH 02, 2015.

Prayer is to grant stay to the decree passed by the first appellate Court dated 11.09.2009 whereby the appellant who was the Principal of the college in question and the Management were directed to pay the amount of gratuity as well as interest on provident fund amount of the original plaintiff. It is submitted that the provident fund amount of Rs. 2,05,125/- was already paid to the original plaintiff. Similarly, he has also received sum of Rs. 46,200/- towards gratuity amount. It is submitted that the applicant has already retired as Principal of the college and as the money decree has been satisfied in above terms the decree passed by the first appellate Court be stayed.

The legal representatives of respondent no.1 though served have not chosen to appear. It is seen that this Court had granted ad interim relief on

04.02.2011 and the same has continued till date. As major part of the money decree stands duly satisfied by paying the said amount to the original plaintiff, the ad interim relief granted on 04.02.2011 shall continue to operate during pendency of the second appeal. Civil application is allowed and disposed of.

JUDGE

svk