

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CIVIL REVISION APPLICATION NO.15 OF 2015

(Employees State Insurance Corporation ..vs.. Smt. Narsamma w/o Krishnamurti Kurmanna and others)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 03-03-2015

Heard Shri M.P.M. Pillai, the learned Advocate for
the applicant.

2. The civil revision application arises out of the order passed by the executing Court rejecting the application filed by the applicant praying that the cheque deposited by the applicant to satisfy the judgment and decree passed in Special Civil Suit No.1510/1998 on 22-03-2006, should not be handed over to the judgment-debtor for sometime to enable the applicant to move the district Court in the matter.

3. The executing Court, in the impugned order, has recorded in paragraph 5 that though the applicant claims to have filed appeal challenging the judgment and decree passed in Special Civil Suit No.1510/1998, the applicant has not given any details in the application. In the revision memo in paragraph 7, the applicant has stated that it had filed Regular Civil Appeal No.859/2006 which

came to be dismissed for want of prosecution on 03-04-2008. In paragraph 8 of the revision memo, the applicant has stated that when the warrant of attachment was issued, it made enquiries and got knowledge about the dismissal of the appeal and had applied for obtaining certified copy on 11-08-2014 but the copy is not received till date. The applicant has not placed any document on the record or there are no averments as to whether there was stay to the execution of the impugned judgment and decree during the pendency of the Regular Civil Appeal No.859/2006. The conduct of the applicant does not entitle it for the relief sought by the applicant. The decree-holder has been prosecuting his claim since 1992. Moreover, the judgment and decree which is being sought to be executed is a money decree and the applicant has not made out any case for grant of stay to the money decree.

4. The executing Court has considered the facts properly and the impugned order does not suffer from any irregularity or illegality. The applicant has not been able to point out that the executing Court has exceeded the jurisdiction or has failed to exercise the jurisdiction vested in it. The applicant has not made out any case for interference under revisional jurisdiction.

5. The civil revision application is dismissed. No costs.

JUDGE

pma