

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

CIVIL APPLICATION (W) NO.404 OF 2015

IN

WRIT PETITION NO.125 OF 2003(D)

(M/s. Desai Brothers Ltd. ..vs.. Dattu s/o Kisanji Suryavanshi and another)

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

Court's or Judge's orders

Shri S.S. Paliwal, Advocate for the applicant/petitioner,
Mrs. Pranita Chobe, Advocate h/f. Mrs. Anjali Joshi for the respondent
No.2.

CORAM : Z.A. HAQ, J.

DATED : 03-03-2015

This application is filed seeking clarification of the judgment passed by this Court directing the petitioner to pay interest at the rate of 10% per annum from 02-04-2002 till the payment is made to the respondent No.1.

Shri S.S. Paliwal, the learned Advocate for the applicant submits that the amount of Rs.8,157/- was already deposited with the Appellate Authority. As none appeared for the petitioner at the time of hearing of the writ petition, though this fact was on the record, it could not be noticed. Hence, the following order :

The last sentence of the paragraph 8 of the judgment be read as follows :

“The petitioner is liable to pay interest at the rate of 10% per annum from 02-04-2002 till the amount was deposited by the petitioner with the Appellate Authority.”

The office is directed to carry the modification in the judgment in the above terms.

The civil application is allowed.

JUDGE

pma