

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3860 OF 2016

Vaijanath S/o. Govindrao Vaishnav,
Age : 70 Years, Occu. : Nil,
R/o. : Parali Vaijenath, Tq. : Parali,
Dist. : Beed .. Petitioner

Versus

The Executive Engineers,
Civil Construction Division No. 1,
Thermal Power Station, M. S. E. B.,
Parali Vaijenath, Tq. : Parali, Dist. : Beed .. Respondent

Shri Annasaheb S. Kadam, Advocate for the Petitioner.

CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.
DATE : 06TH APRIL, 2016.

PER COURT :-

1. The learned counsel for the petitioner states that, respondent has filed execution proceedings before the Executing Court on the ground that excess amount is paid to the present petitioner. The learned counsel submits that, in fact excess amount has not been paid. The calculation has been given by the petitioner also. The Bank Guarantee of the petitioner is not being released because of the pendency of the execution proceedings. As such, execution proceedings bearing No. 127 of 2005 be directed to be decided expeditiously.

2. Naturally when the execution is pending before the Executing Court, the Executing Court is required to decide the

same as per law.

3. In case, there is no order of stay of any Court then the Executing Court shall endeavour to dispose of the execution proceedings expeditiously considering the fact that the bank guarantee of the petitioner is also involved and the issue about the payment is to be settled. The parties shall cooperate in expeditious disposal of the said proceedings.

4. The writ petition is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

sam/April.16