

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.3668 OF 2013

IN

FIRST APPEAL NO.404 OF 2010

Gopal Balu Padwal .. Applicant

Versus

General Manager,

Hindustan Petroleum Corporation and another .. Respondents

ALONGWITH

CIVIL APPLICATION NO.3669 OF 2013

IN

FIRST APPEAL NO.405 OF 2010

Yashwant Gajanan Joshi .. Applicant

Versus

General Manager,

Hindustan Petroleum Corporation and another .. Respondents

ALONGWITH

CIVIL APPLICATION NO.3670 OF 2013

IN

FIRST APPEAL NO.406 OF 2010

Yashwant Gajanan Joshi and another .. Applicants

Versus

General Manager,

Hindustan Petroleum Corporation and another .. Respondents

ALONGWITH

CIVIL APPLICATION NO.3671 OF 2013

IN

FIRST APPEAL NO.407 OF 2010

Yashwant Gajanan Joshi and others

.. Applicants

Versus

General Manager,

Hindustan Petroleum Corporation and another

.. Respondents

ALONGWITH

CIVIL APPLICATION NO.3672 OF 2013

IN

FIRST APPEAL NO.408 OF 2010

Namdeo Mahadu Kadav

.. Applicant

Versus

General Manager,

Hindustan Petroleum Corporation and another

.. Respondents

ALONGWITH

CIVIL APPLICATION NO.3673 OF 2013

IN

FIRST APPEAL NO.409 OF 2010

Prakash Vasudeo Deodhar

.. Applicant

Versus

General Manager,

Hindustan Petroleum Corporation and another

.. Respondents

Mr. S. M. Kamble for the Applicants in all the Civil Applications.

Mr. Minoo Siodia a/w Ms. Ashiya Shaikh i/by Rustamji & Ginwala for the Respondents in all the above Civil Applications.

CORAM : R.M. SAVANT, J.
DATE : 11th AUGUST 2016

PC.

1 The above Civil Applications have been filed for a direction that the Respondent No.1 be directed to deposit the balance of the decretal amount. The decretal amount is to be deposited in terms of the interim order passed by this Court in the Civil Applications filed by the Respondent No.1 herein. The subject matter of the temporary acquisition were lands acquired for the purposes of laying a pipeline. The deficit amount according to the Applicants are the amounts mentioned in the prayer clauses of each of the above Civil Applications. The said amounts are as under :-

CIVIL APPLICATION NO.3668 OF 2013

“That this Hon'ble Court be pleased to pass an appropriate order, directing the Respondents to deposit the balance amount of Rs.2,56,568.80 paise from decretal amount of Rs.5,86,922.30 paise due as on 26.04.2010, plus further interest and costs as per the order dated 26.04.2010 within a period of four weeks;”

CIVIL APPLICATION NO.3669 OF 2013

“That this Hon'ble Court be pleased to pass an appropriate order, directing the Respondents to deposit the balance amount of Rs.1,78,678.65 paise from decretal amount of Rs.3,91,237.68 paise due as on 26.04.2010, plus further interest and costs as per the order dated 26.04.2010 within a period of four weeks;”

CIVIL APPLICATION NO.3670 OF 2013

“That this Hon'ble Court be pleased to pass an appropriate order, directing the Respondents to deposit the balance amount of Rs.1,72,560.87 paise from decretal amount of Rs.3,80,897.58 paise due as on 26.04.2010, plus further interest and costs as per the order dated 26.04.2010 within a period of four weeks;”

CIVIL APPLICATION NO.3671 OF 2013

“That this Hon'ble Court be pleased to pass an appropriate order, directing the Respondents to deposit the balance amount of Rs.1,12,584.04 paise from decretal amount of Rs.2,48,061.00 paise due as on 26.04.2010, plus further interest and costs as per the order dated 26.04.2010 within a period of four weeks;”

CIVIL APPLICATION NO.3672 OF 2013

“That this Hon'ble Court be pleased to pass an appropriate order, directing the Respondents to deposit the balance amount of Rs.90,857.73 paise from decretal amount of Rs.2,00,714.84 paise due as on 26.04.2010, plus further interest and costs as per the order dated 26.04.2010 within a period of four weeks;”

CIVIL APPLICATION NO.3673 OF 2013

“That this Hon'ble Court be pleased to pass an appropriate order, directing the Respondents to deposit the balance amount of Rs.2,56,750.95 paise from decretal amount of Rs.5,12,714.18 paise due as on 26.04.2010, plus further interest and costs as per the order dated 26.04.2010 within a period of four weeks;”

2 The Learned Counsel appearing on behalf of the Respondents opposes the application and it is his contention that in fact Respondent No.1 has deposited the amount in excess of the decretal amount. He seeks to give an explanation for arriving at the said conclusion. It is not necessary for this Court to go into the said aspect as it would be

appropriate if the Reference Court and especially the Nazir thereof carries out the said exercise and determines the decretal amount in terms of the Awards passed by the Reference Court. The same would be determined by the Nazir by taking into consideration the amounts already deposited by the Respondent No.1 in the Reference Court. This exercise is required to be carried out in view of the dispute between the parties as regards the exact decretal amount that is required to be deposited by the Respondent No.1. The aforesaid exercise to be carried out by the Nazir of the District Court, Alibag, District Raigad within four weeks from date after giving an opportunity to both the parties. The representatives of the parties would appear before the Nazir on 22.08.2016 at 3.00 p.m. The Nazir thereafter to determine the decretal amount in terms of the Awards passed by the Reference Court latest by 08.09.2016.

3 With the aforesaid directions, the above Civil Applications are disposed of with liberty to the Applicants to file fresh applications, if the occasion so arises.

[R.M. SAVANT, J]