

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

C.A.F.NO. 806/2016 IN F.A.NO. 240/2002.

Uttamrao Bapurao Raut.

-VERSUS-

The State of Maharashtra and others.

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

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : APRIL 29, 2016.

Heard Shri S.P. Kshirsagar, learned Counsel for the applicant, Shri N.S. Rao, learned A.G.P. for respondent nos. 1 and 2 and Shri S.V. Purohit, learned Counsel for respondent no.3.

2. According to learned Counsel for the applicant, judgment delivered by this Court is very clear and trial Court is misconstruing it in execution proceedings and has deducted an amount of Rs. 5 lakhs again i.e. twice, on account of development charges.

3. According to Shri Purohit, learned counsel for acquiring body, the trial Court is justified in

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undertaking the said exercise.

4. Learned A.G.P. submits that the issue is between the applicant and the acquiring body. However, according to him, the question of interpretation of judgment of this Court may be involved.

5. Wrong understanding or wrong interpretation of any direction or judgment of this Court by the trial Court cannot form subject matter of speaking to minutes. We are saying this presuming that the trial Court is not correctly understanding the directions issued by this Court. However, this presumption is without prejudice to the contention of respondents that the Trial Court has correctly acted upon that judgment.

6. If according to the applicant the trial Court is in error, speaking to minutes is not the remedy for that. Hence, without observing anything on merits, and with liberty to the applicant to take such other steps as are available to him in law, we dispose of the present application. No costs.

Rgd.

JUDGE

JUDGE