

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

952 CIVIL APPLICATION NO. 6595 OF 2017
IN FA/999/2010

UTTAM RAGHUNATH NAGARGOJE AND ORS
VERSUS
SWATI DHONDIRAM NAGARGOJE AND ORS

...

Advocate for Applicants : Mr. Thorat Nanabhau R
Mr. Ajit B. Kadethankar, Adv. For R/2.

CORAM : P.R.BORA, J.

DATE : 5th July, 2017.

PER COURT :

- 1) Heard.
- 2) Present civil application is filed in the aforesaid appeal, which was disposed of by this Court (Coram:V.K.Jadhav,J.) vide judgment dated 6th April, 2016. In the aforesaid judgment, this Court has permitted present Respondent No.1 viz. Smt. Swati Dhondiram Nagargoje to withdraw 75% of the total amount of compensation. In the present application, it is the contention that said Swati Nagargoje had entered into an agreement with the present applicants and according to the said agreement, she was to

withdraw only 40% of the share. A declaration is, therefore, sought that Respondent No.1, i.e. Swati Nagargoje has no power, authority or legal right to withdraw entire share amount and the applicant is entitled to recover the agreed amount from her share. Apparently, the prayer so made cannot be entertained by this Court. The aforesaid agreement was never before the Court, nor there was any such submission was made when the appeal was heard and disposed of by this Court. The application, therefore, stands rejected.

3) It would be, however, open for the applicant to avail any other appropriate remedy, if available in law.

(P.R.BORA,J.)

bdv/