

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.97 OF 2015

IN

FIRST APPEAL NO.189 OF 2002

Goa Housing Board

.....

Applicant

Versus

Vasudev Laxman Pednekar

.....

Respondents.

Mr. H. D. Naik, Advocate for the Applicant.

Mr. A. Prabhudessai, Additional Government Advocate for Respondent No.2.

Mr. S. Vahidulla, Advocate for Respondent Nos.1(a) to 1(d).

Ms. A. Agni, Senior Advocate for the Applicant in MCA No.831 of 2015.

Mr. N. Pai, Advocate for Respondent No.1 in MCA No.831 of 2015.

***Coram : N.M. Jamdar &
Nutan D. Sardessai, JJ.***

Date : 20 November 2017.

P.C.:

Heard the learned counsel for the parties.

2. The appeal is placed on board as a Civil Application is

taken out by the original Appellant seeking direction to the registry to prepare fresh calculations.

3. According to the learned counsel for the Applicant, when the First Appeal was disposed of by judgment and order dated 22 July 2010, the Court had directed the registry to ascertain the amount payable to the Respondents and the registry has incorrectly calculated the amount. The issue sought to be raised is regarding the payment of statutory interest of 15% and on what date the statutory interest ceases to operate.

4. We have considered the rival contentions. The First Appeal is already disposed of. Though the registry is directed to ascertain the amount payable, the direction is relating to calculating the rate per square metre. The learned counsel for the Applicant accept the position that what is filed is not a review. The contention raised is regarding the payment of statutory interest. It is informed that the execution proceedings have also been filed.

5. The learned counsel for the parties, after arguing the matter for some time, agree that the question of payment of 15% statutory interest can be agitated in the Execution Proceedings. We permit the parties to agitate the said issue before the Executing Court

who will consider the same as per law. All contentions of the parties on this issue are kept open. The Civil Application is disposed of.

Nutan D. Sardesai, J.

N.M. Jamdar, J.