

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

CAF No. 1519/2017 in First Appeal No.370/2001(Decided)

Lakhiramji s/o Nilkanth Pillondare since dead through Lrs-Sunandabai L.Pillondare and
others.

Vs.

Shahid Husain s/o Shabbir Hussain and another.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms J.J.Kataria, Advocate for the appellants.

CORAM : N.W.SAMBRE, J.

DATE : MARCH 30, 2017

The appeal preferred by the original claimants for enhancement of compensation being First Appeal No. 370/2001 came to be partly allowed vide judgment/order dated 6/7th April, 2015.

By the present application, the claimants are seeking direction to the respondent no.2 i.e. Oriental Insurance Company Limited to deposit Rs.90,000/- along with interest.

Learned counsel for the applicants submits that though the execution proceedings pursuant to judgment/order dated 06/07th April 2015 are taken out, the same is not taken to its logical end i.e. recovery of Rs.90,000/- along with interest. In addition, a submission is made that the claimants are put to prejudice as the very object of the Act under which the judgment/order is passed is not achieved.

After having considered the submission, in my opinion, the application moved is wholly misplaced. Once this Court has already pronounced the judgment and decided the appeal on its merits, the remedy available in law particularly about the execution of judgment and order is very much available. The applicants are at liberty to take recourse to.

In view of above, in my opinion, the application is liable to be rejected and is accordingly rejected. The applicants to take such steps as are available in law.

JUDGE

Andurkar..