

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12387 OF 2017

Pramod Pratap Jadhav and others

.. **Petitioners**

Versus

The Union of India and others

.. **Respondents**

Shri Shaikh Mazhar A. Jahagirdar, Advocate for the Petitioners.
Shri S. B. Deshpande, Advocate for Respondent No. 1.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **9th January, 2018**

PER COURT :

1. Mr. Jahagirdar, learned advocate for the petitioners states that he would not press prayer clause 'B' and that in view of the Judgment of the Apex Court in case of **Sunita Mehra and another Vs. Union of India and others** reported in **2016 (8) Scale 582**. According to the learned advocate, the petitioners would be entitled for solatium and interest which is not awarded in the award.

2. Mr. Deshpande, learned A.S.G. submits that the petitioners can file proceedings before the Arbitrator for enhancement of compensation and the Arbitrator can consider the claim of the petitioners for grant of solatium and interest on its own merits.

3. Naturally the Arbitrator where the proceedings would be filed, would be bound by the Judgment of the Apex Court. The petitioners may refer to the Judgment of the Apex Court in a case of **Sunita Mehra and another Vs. Union of India and others**, (Supra), which Judgment the Arbitrator would be required to consider while considering the proceedings filed by the petitioners.

4. With these observations, the writ petition is disposed of.
No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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