

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

**914 CIVIL APPLICATION NO.11939 OF 2018  
IN CP/421/2016**

**GORIBI ALIAS HAFIJABI BASHI  
VERSUS  
THE STATE OF MAHARASHTRA AN**

...  
Advocate for Applicant : Mr. A.B. Kale  
AGP for Respondent/State : Mrs. V.S. Choudhari  
...

**CORAM : T.V. NALAWADE AND  
K.K. SONAWANE, JJ.  
DATED : 25/09/2019.**

**ORDER :**

1. The application is filed for recalling the order made by this Court in Contempt Petition No. 421/2016. The said petition was filed for non compliance of order made by this Court in Writ Petition No.7130/2005. This Court observed that there was compliance of the order as the amount of compensation was paid in the year 2015, so the contempt proceeding disposed of. The present application is filed for recalling the said order by submitting that actually the total amount to which the petitioner is entitled as per award dated 14.9.2001 is not paid. It was submitted for the applicant that in the award prepared on 14.9.2001 the interest was calculated for the period ending up to 2001, though the amount came to be

paid in 2015. The learned counsel for applicant placed on record the chart of calculations prepared by him.

2.            Though that may be correct, it needs to ascertain as to whether there is dispute about the offer and non acceptance of the said amount and further, the said claim does not appear to be allowed in the decision given on 23.4.2014. The operative order says that the present applicant is entitled to get the amount as per the award dated 14.9.2001 and nothing more can be read in that operative order. It is open to the petitioner to file appropriate proceeding in respect of the claim of interest for the period starting from 2001 to 2015 and only after that it can be said that there was non compliance of any order. The present application is disposed of as rejected.

[ K.K. SONAWANE, J.]

[T.V. NALAWADE, J.]

ssc/