

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

4 WRIT PETITION NO. 2979 OF 2020

**SUHASINI CHANDULAL SETH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Petitioners : Mr. Rathod Sandip P.
AGP for Respondents : Mrs. M. A. Deshpande

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 27th FEBRUARY, 2020

PER COURT:

1. The learned counsel for the petitioner submits that initially Original Application No. 396 of 1998 was filed by the husband of the petitioner. During the pendency of the said proceeding, the husband of the petitioner died. The same was prosecuted by the legal heirs. The tribunal allowed the original application in terms of prayer clause 5(A) under judgment and order dated 04.12.2015. The petitioner, thereafter, approached the respondents. The respondents without hearing the petitioner negatived the claim. The amount of interest has not been paid to

the petitioner for the late payment. According to the learned counsel, the respondents ought to have granted hearing to the petitioner as was directed by the tribunal. As the entire claim was not settled, the interest amount was not paid, the petitioner has filed original application before the tribunal bearing Original Application No. 777 of 2019. The same is rejected on 11.10.2019. According to the learned counsel, the tribunal failed to consider that as per it's previous order the opportunity of hearing was not given to the petitioner. In view of that, the said order is illegal.

2. The learned Additional Government Pleader submits that the petitioner cannot have any grievance. The claim is fully paid. The petitioner has also withdrawn the amount which was kept in the fixed deposit towards retiral benefits. The claim of the interest was not granted by the tribunal.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. As per the statement placed on record, the petitioner has claimed interest amount approximately of Rs.86,89,142/-. The earlier original application filed by the petitioner bearing Original Application No. 396 of 1998 was partly allowed by passing the following order-

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ORDER

i) The Original Application is partly allowed in terms of prayer clause 5(A) in favour of applicant no. 1 i.e. Smt. Suhasini Chandulal Seth.

ii) The amount deposited and kept in F.D. be paid to applicant no. 1 i.e. Suhasini Chandulal Seth being widow of applicant."

5. The claim of the petitioner for interest made in prayer clause 5(B) was not granted by the tribunal. The prayer made and not granted is deemed to be rejected.

6. Subsequently, the respondents have considered and have negatived the request of the petitioner. The petitioner again filed the original application bearing Original Application No. 777

of 2019. The tribunal dismissed the said original application on the ground that vague claims are made.

7. In the present case, we had asked the learned counsel for the petitioner as to whether the petitioner claims difference of the amount payable to the petitioner on account of gratuity, provident fund or other retiral benefits, the learned counsel for the petitioner could not clarify on the said aspect. It appears that the petitioner is making claim of interest. The claim of interest was never granted by the tribunal in the earlier original application.

8. In light of the above, no error has been committed by the tribunal in passing the impugned order.

9. Writ Petition as such is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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