

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

48 WRIT PETITION NO.6817 OF 2018

AMBIKA NAGARI SAHAKARI NAGRI PATSANSTHA THROUGH
MANAGER RAJARAM NIVRUTTI KAKADE
VERSUS
USHA RAJU GIRHE AND OTHERS

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Mr. V.V. Tarde, Advocate for the petitioner.
Mr. C.K. Shinde, Advocate for respondent Nos.1 to 4.

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CORAM : **Rohit B. Deo, J.**

DATE : 13th January 2020.

PER COURT :-

. The petitioner - Decree Holder is aggrieved by the order dated 08.02.2018, which reads thus :

“DH, JD and their respective lawyers are present. Record shows that from time to time DH asked to furnish adjustment and correct dues. But arrogantly DH refused. As per record decretal amount is already and admittedly received. For recovery of future interest no correct adjustment is furnished. It seems that DH do not wish to proceed bonafidely. Hence petition is dismissed and disposed off as fully satisfied. Note be taken on decree”.

2. It is obvious that the execution is not dismissed on merits.

3. While I am not interfering with the order impugned, it is made clear that the petitioner - Decree Holder shall be entitled to file fresh execution giving all necessary details and particulars of the amount due and payable by the Judgment Debtor to the Decree Holder. The execution application shall be self explanatory and in particular calculation of the future interest shall be spelt out with particularity.

4. The Petition is disposed of in aforesaid terms.

(ROHIT B. DEO, J.)

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