

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL REVISION APPLICATION NO.02 OF 2021

Gramin Shikshan Prasarak Mandal, Warora through its President

Vs.

Vanita Wd/o Anna Pophali and another

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

Court's or Judge's orders

Mr. Rohit Joshi, Advocate for petitioners.

Mr. A. M. Quazi, Advocate for respondent No.1.

Ms. H. N. Jaipurkar, AGP for respondent No.2.

CORAM : AVINASH G. GHAROTE, J.

DATE : 22/11/2021

A perusal of the impugned order dated 29.01.2020 passed by the learned Executing Court clearly indicates, that what has been directed by this Court in its judgment dated 03.12.2019 in Writ Petition No.6054 of 2017 and specifically para Nos.11 and 13, which required the learned Executing Court to decide the application Exh.28 afresh in light of the objection regarding the liability of the petitioner to pay difference in pension, has not been done. The impugned order does not dilate upon the question altogether.

2. Needless to say that while deciding the issue, which is directed, to be decided as indicated in the judgment dated 03.12.2019, the learned Executing Court

shall have to decide the liability based upon the reasons to be recorded which should be reflected from the order itself. This being absent, the impugned order is therefore, quashed and set aside.

3. The matter is remitted back to the learned Executing Court to decide Exh.28, in light in what has been directed by this Court in the judgment dated 03.12.2019 in Writ Petition No.6054 of 2017.

4. Since the matter is already fixed on 30.11.2021, the parties shall appear and work out the matter on that day itself and the learned Executing Court shall decide Exh.28 by giving appropriate reasons as indicated above by 10th of December, 2021.

5. The application is accordingly disposed of in above terms. No costs.

JUDGE

Sarkate