

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.2051/2020

Deorao @ Gopal S/o Lakhaji Kirpane,
aged about 61 Yrs., Occ. Retired,
R/o Makde Nagar, Tumsar,
Tah. Tumsar, Dist. Bhandara.

..Petitioner.

..Vs..

Municipal Council, Tumsar,
Tah. Tumsar, Dist. Bhandara,
through its Chief Officer.

..Respondent.

Shri Krishna S. Motwani, Advocate for the petitioner.
Shri Tejas Deshpande, Advocate for the respondent.

**CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE , JJ.**
DATED :- 7.4.2021

ORAL JUDGMENT *(Per Sunil B. Shukre, J.)*

Hearing is conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality is proper.

2. Heard Shri Krishna S. Motwani, learned counsel for the petitioner and Shri Tejas Deshpande, learned counsel for the respondent.

3. **Rule.** Rule is made returnable forthwith. Heard finally by consent.

4. The reply of the respondent clearly acknowledges the fact that still amount of Rs.13,11,742/- is outstanding. It also indicates that the respondent is ready to pay the same in instalments as the respondent is presently experiencing some financial difficulties. In view of the above, we find that this petition can be allowed in terms of prayer clause (i) with some modification and it is allowed accordingly. The respondent is directed to pay the aforestated outstanding amount to the petitioner in six equal monthly instalments starting from the month of June, 2021. However, the prayer for grant of interest is rejected. At the same time, we direct that if the outstanding amount is not paid to the petitioner fully within the time stipulated by this Court, the respondent would be under liability to pay interest on the outstanding amount from the date on which it became due and payable to the petitioner till it is actually paid to the petitioner at the rate of 7% per annum simple interest. Rule accordingly. No costs.

JUDGE

JUDGE

Nilesh
Tambaskar

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