

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

CIVIL APPLICATION NO.515 OF 2021

IN

FIRST APPEAL NO. 480 OF 2017

(Royal Sundaram Alliance Insurance Company Ltd. Vs. Rajendra Shankarrao
Satputaley and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.J. Pophaly, Advocate for the appellant.
Shri S.D. Deoras, Advocate for respondent Nos.1 and 2.

CORAM:- PUSHPA V. GANEDIWALA, J.
DATED :- OCTOBER 01, 2021.

Heard.

2. This is an application filed on behalf of the appellant seeking recalling of the order dated 10/06/2019.

3. On 10/06/2019, this Court has passed the following order :

“Heard learned counsel Shri Deoras for the respondent nos.1 and 2. He has pointed out order dated 26-4-2017. As per this order, the appellant was directed to deposit amount of Rs.5,62,981/- within a period of ten weeks. But till today, amount was not deposited. Hence, the appellant is directed to deposit the amount within a period of one week as per order dated 26-4-2017. If the order is not complied, the appeal shall stand automatically dismissed.”

4. Shri Pophaly, learned counsel for the appellant submits that the appellant has deposited an amount of Rs.86,75,610/- on 29/11/2016 with the Registry of this Court.

5. The claimants/respondent Nos.1 and 2 have raised objection that the appellant has not deposited full amount and appellant has still to deposit the deficit amount to the tune of Rs.5,62,981/-.

6. It appears that there is a dispute with regard to the calculations of the decretal amount between the parties.

7. It is stated that the execution petition has already been filed by the claimants/respondent Nos.1 and 2 for execution of the judgment and decree of the trial Court. It would be within the power of the Court to execute the decree and decide all incidental questions relating to the execution.

8. As the substantial amount has been deposited by the appellant, in the opinion of this Court, the order dated 10/06/2019 needs to be recalled and the said order is accordingly recalled.

9. The appeal is restored to the file.

10. Place this matter for final hearing after one week.

JUDGE