

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8036 OF 2022

SURESH TUKARAM PATIL
VERSUS
THE COLLECTOR AND OTHERS

...
Advocate for the Petitioner : Shri Jain Vishwajit R (Kamboj)
AGP for the Respondents/State : Shri S.G.Karlekar
Advocate for Respondent 3 : Shri A.D. Pawar
...

CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.

DATE :- 11th August, 2022

Per Court :-

1. On 04.08.2022, we had passed the following order:-

- “1. Leave to correct the description of respondent no. 3, in the light of the change. Correction be carried out forthwith.
2. Shri Pawar causes his appearance on behalf of respondent no. 3, since we requested him to assist the Court.
3. Insofar as the contention of the petitioner that in a Lok Adalat settlement between the parties, the highest settlement amount, should be automatically made applicable to all the parties, who are settling their disputes, is not supported by any law or any judicial pronouncement. The learned advocate for the petitioner, therefore, does not press this petition to that extent.
4. However, we find that the learned advocate for the petitioner is right in submitting that as the award in the Lok Adalat was signed on 3.3.2013 and

condition no. 3 indicates that if the compensation amount as agreed/settled is not paid within one year, he would be entitled for interest till the amount is paid, inclusive of that year. There is no dispute that the amount has been paid on 4th August, 2018 and the petitioner would, therefore, be entitled for 9% interest for one year upto 3.3.2014 and then at the rate of 15% per annum up to 4.8.2018.

5. *The learned advocate representing respondent no. 3 submits that the amount that has been paid on 4.8.2018 may include the interest amount. However, he desires to take instruction so that a mis-statement is not made in the Court.*
6. *List this petition on 11th August, 2022 for passing orders.”*

2. Today, the learned AGP on behalf of the State and the learned advocate on behalf of respondent No.3, submit that the amount paid to the petitioner is inclusive of the interest component and according to the calculations of the statutory authority, there is no deficit or shortfall.

3. The learned advocate for the petitioner submits, on instructions, that the petitioner desires to make a representation, if at all there is any discrepancy with regard to the interest component.

4. In view of the above, this Writ Petition is disposed off with liberty as prayed for.

5. However, it is made clear that if there is any dispute

as regards the amount towards interest, the petitioner would be at liberty to approach the Civil Court by filing a recovery suit and not by filing a writ petition by bringing disputed issues before this Court.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)