

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

CIVIL REVISION APPLICATION NO. 72 OF 2019

Ramkali Premlal Dubey and ors __ Vs. __ Naresh Ramshankar Dubey and ors

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

Court's or Judge's orders

Mr. M.G.Sarda, Advocate for applicants

CORAM : AVINASH G. GHAROTE, J.

DATE : 21/07/2023

1] The revision questions the order dated 21.8.2018 by which the learned Executing Court has held that the decree passed in R.C.A. No. 148/2010 dated 27.10.2015 stands satisfied.

2] Mr. Sarda, learned counsel for the applicants does not dispute that the amount payable under the decree i.e. mesne profit of Rs. 5000/- per year from 6.8.2002 till the date of delivery of possession to the applicant i.e. 30.7.2008 along with interest at the rate of 6% per annum has been paid. The grievance is that the applicant is entitled to 6% interest after 30.7.2008 till the date of actual payment. That however, is not a position which is spelt out from the judgment and decree dated 27.10.2015 passed in R.C.A. No.148/2010.

3] May be, the applicant would be entitled to interest till the date of payment, however, unless and until the decree is got clarified to that effect, the decree

as it stands today would indicate that on account of the admission regarding the payment made, the same stands satisfied. I therefore do not see any reason to interfere in the impugned order. The revision is, therefore, dismissed. No costs.

JUDGE

Rvjalit