



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CIVIL APPLICATION NO. 3847 OF 2024

WITH

WP/13960/2021

THE EXECUTIVE ENGINEER LOWER DUDHANA PROJECT
DIVISION THROUGH SUREKHA BHIMRAO KORKE

VERSUS

M/S GURUNANAK INDUSTRIES NOW THROUGH G.N.I.
INFRASTRUCTURE PVT. LTD.

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Advocate for Applicant : Mr. Mande Narendra V
Advocate for Respondent No.1 in WP : Mr. D. P. Palodkar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 18th APRIL, 2024

PER COURT:

1. Heard.
2. The civil application no.3847 of 2024 is filed for restoration of the writ petition. There is no objection for the same. The civil application is allowed and the writ petition is restored.
3. Heard the arguments in the writ petition.
4. By the present petition, the petitioner is challenging the order at Exhibit-F dated 10.02.2021, whereby the executing court has allowed the application for amendment of the execution proceedings. By virtue of amendment, the clause "E" of the execution application, at Exhibit-A, stood amended, whereby the earlier unamended amount

mentioned of Rs.1,69,00,000/- is substituted to Rs.2,81,77,136/- with consequential interest and other components.

5. The learned counsel appearing for the petitioner submits that the amendment, which is carried out, travels beyond the decree and ought not to have been granted. However, it is merely an amendment to the execution application and all the defense that should be available to the petitioner can be raised before the executing court itself and the executing court can be appraised of the decree and the amount as payable under the decree.

6. In the event, the executing court comes to the finding that the amount as amended is payable, the same will have be granted to the decree holder. All the defenses are permitted to the petitioner to be raised before the executing court.

7. The executing court to decide the execution proceedings as expeditiously as possible, on merits.

8. With the above observations, the writ petition is disposed of.

[ARUN R. PEDNEKER, J.]