



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

921 WRIT PETITION NO. 7439 OF 2020

Sayyad Akram Sayyad Gajamkar

VERSUS

Vrundawani Bandu Jadhav And Others

...

Advocate for the Petitioner : Mr. Nagargoje Ankush N.

Advocate for Respondents No.1 to 3 : Mr. M. U. Shelke

...

**WITH
WRIT PETITION NO. 6112 OF 2021**

Bajirao Dadarao Disale

VERSUS

Vrudawani bandu Jadhav and Others

....

Advocate for the Petitioner : Mr. Y. S. Choudhari

Advocate for Respondents No.1 to 3 : Mr. M. U. Shelke

CORAM R. M. JOSHI, J.

:

Dated : July 02, 2024

PER COURT :-

1. The petitioners are Judgment Debtors against whom Claim Petition No.49/2013 was allowed by the Commissioner under Workmen Compensation Act. Said application was allowed by order dated 17/11/2016 directing petitioners herein to jointly and severally pay the compensation of Rs.8,31,920/- along with simple interest @ 6 % per annum from the date of accident till realization of the entire amount. Pursuant to the said order and decree, the Decree Holder filed Special Darkhast No.13/2017. The petitioners herein were also directed to pay penalty of 50 % amount of compensation i.e. some of Rs.4,50,960/-. This order has attained finality as there is no challenge thereto.

2. Pursuant to said order and decree, Special Darkhast No.13/2017 was filed. In the said proceedings two separate applications were moved for recovery of half amount of the compensation as directed by the Commissioner of Workmen Compensation from each of the petitioners. Learned Execution Court passed impugned orders directing the attachment of the properties of the petitioners.

3. During the course of the hearing, learned Counsel for the petitioners have made statement that both petitioners have deposited some of Rs.4,75,000/- and Rs.4,80,000/- respectively before the Execution Court. On instructions they make statement that whatever balance amount payable by them to the Decree Holder, if any, petitioners are ready to deposit the said amount before the Execution court. They seek direction to the Execution Court to determine the balance amount payable to the Decree Holder by the petitioners herein, so that deposit of such amount can be made. Learned Counsel for respondent/ Decree Holder is satisfied with this statement. The said statements made by petitioners are accepted as undertaking.

4. In the light of aforestated facts, the leaned Execution Court is

directed to decide the quantum of the decretal amount payable by the petitioners to the respondent. If any amount is found due balance, the same be paid within one week from such determination by the Execution Court. Upon deposit of such amount, the order passed by the learned Execution Court of attachment of the property of the petitioners will stand vacated. Parties undertake to appear before the Execution Court on 04/07/2024.

5. Petitions are disposed of in above terms.

(R. M. JOSHI, J.)

vj gawade/-.