



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

8 WRIT PETITION NO. 14152 OF 2023

**TAMILNADU STATE TRANSPORT CORPORATION MADURAI LTD
VERSUS
SHRUSTI SADANAND WALKIKAR UNDER GUARDIAN MOTHER OF R
NO 2 AND OTHERS**

...
Advocate for the Petitioner : Mr. Wange Anand Dnyanoba

CORAM : ARUN R. PEDNEKER, J.

DATE : 22nd JANUARY, 2024

PER COURT:

1. Heard.

2. The present proceedings arises out of the judgment and award passed by the District Judge – 3 & E.O.M. of M.A.C.T., Nanded in M.A.C.P No.410 of 2003, wherein the learned Judge by order dated 30.08.2014 has directed respondents no.1 and 2 shall jointly and severally be liable to pay the compensation of Rs.12,47,000/- inclusive of the amount received towards an interim (NFL) compensation, to the petitioners therein (respondents herein) with interest at the rate of 7.5% per annum from the date of petition. The learned counsel for the petitioner submits that in pursuance of the decree, the judgment debtor no.1 i.e. the petitioner herein has deposited an amount of Rs.11,43,380/-, whereas the total amount under the Darkhast is

Rs.22,38,500/-. The learned counsel submits that the decree holder is only proceeding against the petitioner and not against the another respondent.

3. Since, the decree is to pay the amount jointly and severally, the decree holder can proceed against any one of the respondent or both. In view of the same, the execution proceeding cannot be disposed of by merely giving 50% share of the petitioners herein. As such, there is no error in the impugned order dated 17.12.2021.

4. The learned counsel for the petitioner submits that against the order dated 30.08.2014, passed by the District Judge – 3 & E.O.M. of M.A.C.T., Nanded in M.A.C.P No.410 of 2003, appeal is pending in this court. However, there is no interim order of stay passed by this court.

5. Petitioner is at liberty to move interim stay application in the appeal pending before this court, however, no orders can be passed to stay the main order granting compensation, dated 30.08.2014, passed by the District Judge – 3 & E.O.M. of M.A.C.T., Nanded in M.A.C.P No.410 of 2003, in the present proceedings.

6. The writ petition stands disposed of.

[ARUN R. PEDNEKER, J.]