



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 SECOND APPEAL NO. 345 OF 1992

NARHARRAO MADHAVRAO TUNGAR
VERSUS
SHAMRAO MADHAVRAO TUNGAR

Mr. S. V. Natu, Advocate for the appellant
Mr. P. R. Katneshwarkar, Senior Advocate i/b Mr. Anju Fulpagar, Advocate
for the respondent

CORAM : R. M. JOSHI, J.

DATE : 10th JANUARY, 2025

PER COURT :-

1. Heard learned counsel for both sides substantially.
2. During the course of submission, learned counsel for the appellant has drawn attention of the Court to the fact that though a prayer was made by the plaintiff appellant for seeking interest on the amount of compensation/ cost sought by plaintiff, both Trial Court as well as First Appellate Court failed to deal with the same. This according to him amounts to a error in law committed by both Courts and hence, the decree passed by the Trial Court needs modification to that extent.
3. Learned senior counsel on behalf the respondent/ original defendant, on instructions, from the Dhananjay Tungar makes statement that without prejudice to the rights and contention of this defendant, he in order to put and end to this litigation, he is ready to offer a sum of Rs. 10,000/- to the plaintiff/appellant in lieu of claim of interest made by

appellant/plaintiff.

4. Learned counsel for the appellant, on instructions, accepts the said offer. He makes categorical statement that Rs.10,000/- that would be received from the defendant is accepted towards the interest payable on the amount granted by the Trial Court.

5. Since the suit is filed in the year 1984 and as it appears from the record that actual dispute pertains to the period much before it, in the interest of both sides to put an end to this long drawn litigation. Since the offer made by the defendant is accepted by the plaintiff/appellant this Court deems it appropriate to pass following order.

ORDER

. The Second Appeal is disposed of in following terms;

- (i) The defendant to pay Rs.10,000/- to plaintiff towards interest payable on the amount of the decree passed by the Trial Court.
- (ii) The statement made by the learned senior counsel for the respondent, on instructions, about paying the said amount to the plaintiff within a week is accepted as undertaking.
- (iii) In order to ensure that there is no further issue with regard to the payment, request made by the learned senior counsel for handing over the cheque to the learned counsel for the appellant is accepted. Parties to act accordingly.
- (iv) The offer made by the defendant/respondent is without prejudice.

(R. M. JOSHI, J.)

ssp