



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

**CIVIL APPLICATION NO. 3971 OF 2025
IN FA/571/2016**

**KISAN RAMNATH HASNABADE AND ANOTHER
VERSUS
NARSINGH BALIRAM BAYAS AND ANOTHER**

WITH

**CIVIL APPLICATION NO. 8597 OF 2023
IN FA/571/2016**

...
Advocate for Applicants : Mr. Anerao Panditrao S
Advocate for Respondent No.1 : Mr. A.A. Mukhedkar
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 9th APRIL 2025

PER COURT :

1. The Applicants are seeking permission to deposit Rs.4,00,000/- in this Court which was directed to be deposited vide order dated 05.04.2019. They are also seeking quashment of order dated 04.03.2025 passed by the Executing Court, issuing arrest warrant for non-compliance of the award of the Tribunal.

2. Learned Counsel for the Applicants submits that the financial condition was precarious and the Applicants were unable to deposit the amount within stipulated period. It is further submitted that they are ready with demand draft of Rs.4,00,000/- and therefore order dated 04.03.2025 be quashed.

3. Learned Counsel Mr. Mukhedkar for Respondent No.1/ Claimant would make his submissions on the basis of reply filed to the application. He would submit that Applicants are defaulters. They enjoyed stay for considerable period without complying the order dated 05.04.2019. They have no regards for the magistracy of the Court. Their presence could not be secured because of their adamant attitude. The Respondent No.1/Claimant was unable to continue his job because of accident and suffered unrepairable hardship. It is submitted that the Applicants are dishonest and their application is liable to be rejected.

4. Learned Counsel Mr. Mukhedkar tenders on record calculation of the interest on the awarded amount. According to him, Rs.4,36,780/- was awarded and its interest as on today comes to Rs.6,82,468/- @ 7.5% per annum. He would therefore, insist that Applicants be directed to pay Rs.11,19,248/-.

5. I have considered the submission of the parties. Applicants are facing arrest warrant issued vide order dated 04.03.2025. There are lapses on their part in depositing amount of Rs.4,00,000/- which they were expected to deposit before long. It is evident that without complying the order, they enjoyed interim relief. The conduct of the Applicants is objectionable. Therefore this Court is not inclined to absolve liability of the Applicants by permitting them to deposit Rs.4,00,000/-.

6. As per order dated 05.04.2019, Applicants are under obligation to deposit the amount by 02.06.2019. Considering the rate of interest @ 7.5% per annum from June, 2019, approximately amount of interest would be of Rs.2,00,000/-. The Applicants shall deposit Rs.2,00,000/- more.

7. The submission of learned Counsel Mr. Mukhedkar cannot be accepted that Applicants be directed to deposit Rs.11,19,248/-. I cannot be oblivious of previous order of coordinate bench dated 13.07.2023. I propose to adopt pragmatic approach. If the amount is deposited, the same could be disbursed to the Respondent/Claimant to mitigate his sufferings to some extent. I, therefore, pass following order :

ORDER

(i) The Civil Application No.3971/2025 is allowed partly on condition that the Applicants shall deposit Rs.2,00,000/- within period of eight weeks in this Court. In default of that, it would be open for the Respondent/Claimant to proceed with execution of the award.

(ii) The Office is directed to accept demand drafts aggregating of Rs.4,00,000/- within two days.

(iii) The amount deposited by the Applicants shall be disbursed to the Respondent No.1 - Narsingh Baliram Bayas on furnishing undertaking.

(iv) In case further amount is deposited, that shall also be disbursed to the Respondent No.1 on furnishing undertaking.

(v) The order dated 04.03.2025 passed by the District Judge-1 Member, MACT, Nanded below Exhibit-20 in MACP Darkhast Application No.130/2015 is quashed.

(vi) The Civil Application No.8597/2023 is disposed of.

SHAILESH P. BRAHME
JUDGE

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