



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CONT. PETITION NO. 442 OF 2025
IN FA/2866/2021

SANGITA BABASAHEB KHEDKAR AND ORS
VERSUS
DHARMAVEER SAALE VITHAL AND ANR

...

Mr. Kute Rajendra Laxmanrao, Advocate for the Petitioners

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 01.10.2025

PER COURT :-

1. Heard. Mr. Kute, learned counsel for the petitioners.
2. Feeling aggrieved by the judgment and award dated 04.04.2013, passed by the learned Motor Accident Claims Tribunal, Sangamner in Motor Accident Claim Petition No.199 of 2008, the petitioners have filed First Appeal seeking enhancement in the award compensation.
3. Mr. Kute, learned counsel, submitted that vide order dated 16.07.2024, the appeal was partly allowed by this Court, thereby directing respondent nos. 1 and 2 to pay an amount of Rs. 21,64,000/- to the appellant/present petitioners, including an amount payable under no-fault liability. The amount is to carry interest at the rate of 7.5% p.a. from the date of filing of the claim petition until actual realization of the amount. Mr. Kute pointed out clause (ii) of the operative part of the order, which states that the "amount is to be deposited within 18 weeks from today in the office of this Court." Mr. Kute

submitted that since the respondent authorities failed to deposit the amount within the given period, the present contempt petition has been filed by the petitioners. This was a compensation claim under the Motor Vehicles Act. The claim was partly allowed by the Motor Accident Claims Tribunal, and an appeal for enhancement was filed by the claimants in this Court. The claim was enhanced by this Court, and the respondents were directed to deposit the enhanced amount within the stipulated period.

4. In my considered view, this is purely an executable order, for which the claimants should lodge execution proceedings in the learned Executing Court. As such, contempt proceedings cannot be taken up in the peculiar facts of this case to seek execution of the order passed by this Court.

5. Mr. Kute, learned counsel graciously agrees with this proposal and seeks liberty to lodge appropriate proceedings before the appropriate forum to recover the compensation from the respondents.

6. In view of the above, the contempt petition stands disposed of, holding that it is not maintainable.

7. Petitioners are at liberty to approach appropriate Executing Court to lodge appropriate execution proceedings to recover the enhanced compensation from the concerned respondents, together with accrued interest thereon.

[AJIT B. KADETHANKAR, J.]