

MHYA210008932021



ORDER BELOW EXHIBIT NO.8

(Passed on 9th day of October 2023)

The applicants have made the present application for issuance of warrant of attachment against the amount of compensation lying with the Special Tribunal Western Coal Field Limited, Nagpur.

2. Perused the application, say and the record. Heard the learned Advocate Shri R. S. Thengne, for the applicants and the learned Advocate Ku. K. P. Kinhekar, for the respondent. The applicants have submitted that the arrears of maintenance amount worth Rs.3,17,000/- is outstanding against the respondent. The respondent is willfully avoiding to pay the same. The agricultural land belongs to the respondent is acquired by the W.C.L., for mining purposes. The compensation against the acquisition is deposited with the Special Tribunal, W.C.L. Nagpur worth Rs.40,07,962/-. For executing the amount at once, the present application is made.

3. The respondent contended that the applicants instituted the suit for partition with other ancillary reliefs against the respondent and the W.C.L.. Thereby, the compensation amount is withheld by the W.C.L..The applicants deliberately depriving the respondent from getting the monitory, vis-a-vis, service benefits. The applicants are not come with clean hands. The amount should not be paid to the applicants until the decision in the Civil Suit, otherwise the respondent would suffer irreparable loss, which cannot be compensated in terms of money and it

OMCA No.152/2021
Smt.Manisha Rama Kuchankar +2
+2 Vs. Rama Kawaduji Kuchankar

will cause in justice to him. Hence, prayed for rejection the application with costs.

4. Today itself, there are three proceedings pending for recovery of maintenance amount. There is huge amount is outstanding against the respondent. In some matters, the respondent is paying negligible amount. Therefore, the proceeding would not dispose of, on the contrary, more and more proceedings will be filed against the respondent, as and when they reap for execution. The compensation amount is in the custody of Special Tribunal. Out of the said compensation amounts, the entire outstanding amounts can be execute at once. It will be benefited to the applicants to execute the amounts of arrears at the earliest. Therefore, with a view to execute the outstanding arrears of amounts, I pass following order

ORDER

1. The application (Exh.8)) is allowed.
2. The Special Tribunal, W.C.L., Nagpur, may withheld the amount of Rs.84,000/- (Rs. Eighty Four Thousand only), and remit the same to this Court, in the form of D.D. or Cheque, drawn in the name of the Judicial Magistrate First Class, Wani at the earliest.
3. The concerned clerk (criminal) is directed to make the necessary correspondent for communication of the order to the Special Tribunal, W.C.L., Nagpur, for due compliance.

Wani
Date:09.10.2023

(P. C. Bachhale)
J.M.F.C. (Court No.2)
Wani.