

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Appeal Against Order No.75 of 2015

(Central Cable Limited, Nagpur vs. South Eastern Coalfields Limited, Bilaspur and another)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. H.D. Dangre, Advocate for the Appellant.

CORAM : A.P. BHANGALE, J.

DATE : AUGUST 6, 2015.

Heard the submission advanced on behalf of the
appellant.

The appellant is aggrieved by the order dated
03/08/2015 in a pending Special Civil Suit No.515/2015 in
the Court of 5th Joint Civil Judge Senior Division, Nagpur.
According to the learned Counsel for the appellant, a
statement was made on affidavit by the plaintiff that till the
application for interim relief [Exh.5] is heard and decided
on merit or till the learned Trial Judge directs the plaintiff
to preserve the subject matter of the suit, the plaintiff is
ready and undertake to extend the bank guarantee.

Considering the fair statement made by the
plaintiff for to extend the bank guarantee till the learned
Trial Judge hears the application [Exh.5] in Special Civil

Suit No.515/2015 on merits and considering that no prejudice would be caused to the case of the defendants in view of that statement, the appeal against order is allowed with direction to the learned Trial Judge to accept the written undertaking from the plaintiff that the plaintiff shall extend the bank guarantee until the application for interim relief [Exh.5] is decided on merit and 30 days thereafter in the pending Special Civil Suit No.515/2015.

The learned Trial Judge is directed to decide the application [Exh.5] on merits on the basis of affidavits and evidence led, if any, as early as possible.

It is made clear that the defendants are restrained from encashing the bank guarantee till the reasoned decision below the application [Exh.5] on merits and one month thereafter.

The appeal against the order is disposed of accordingly.

Authenticated copy of this order be provided to the learned Counsel for the appellant to act upon.

JUDGE

*sdw