

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 2553 OF 2016

SHRI RAJENDRASINGH SOPANRAO
SURYWANSHI AND ORS.

...Petitioners

Versus

THE MANAGER, RUKMINI SAHAKARI
BANK LTD.

...Respondent

....

Mr. Ajay A. Joshi, Advocate for the Petitioners.

Mr. Ujwal Agandsurve, Advocate for Respondent.

....

CORAM : R. G. KETKAR, J.

DATE : 15th MARCH, 2016

P.C.

1. Heard Mr. Ajay Joshi, learned Counsel for the petitioners and Mr. Ujwal Agandsurve, learned Counsel for the respondent.

2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the order passed by the learned Civil Judge, Junior Division, Pandharpur below Exhibit-35. By that order, the learned trial Judge rejected the application made by the petitioners seeking one month's time to deposit the entire amount.

3. The petition was heard on 29.2.2016. On that date, petitioner No.3 was present in the Court. Upon taking

instructions from him, Mr. Joshi stated that as on 29.2.2016, the amount due and payable by the petitioners was to the tune of Rs.18,10,858/- and that on or before 10.3.2016, the petitioners will deposit Rs.9 Lacs in this Court. In view thereof, subject to the petitioners depositing Rs.9 Lacs on or before 10.3.2016 in this Court, ad-interim order in terms of prayer clause (B) was granted. It was made clear that in case the petitioners do not deposit the amount of Rs.9 Lacs on or before 10.3.2016, ad-interim order shall stand vacated without further reference to the Court.

4. Mr. Joshi, upon taking instructions from the instructing Advocate, states that the petitioners have not deposited the amount of Rs.9 Lacs within the stipulated period. In view thereof as also having regard to the fact that the petitioners are liable to pay Rs.18,10,858/-, I do not find that the learned trial Judge has committed any error in issuing warrant under Order 21 Rule 38 of the Code of Civil Procedure, 1908 against all the judgment debtors. Hence, the Petition fails and the same is dismissed.

(R. G. KETKAR, J.)