

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8836 OF 2013

The Nashik Merchants Co-operative

Bank Limited

..Petitioner

Vs.

M/s Raka Agro Agencies

through its Proprietor and Others

..Respondents

Mr. P. N. Joshi a/w Mr. Nikhil M. Pujari, for the Petitioner.

Mr. Dinesh Uttamchand Raka, Respondent No.1(a) in-person
present in Court.

**CORAM :- S.C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.**

DATE :- OCTOBER 7, 2016.

P. C.:

Heard Mr. Pramod Joshi appearing for the Petitioner.

Perused the impugned order. We think that no useful purpose will be served by scrutinizing the legality and validity of an interim order by which a condition has been imposed on the original appellant respondent before us appearing in-person to deposit 50% of the amount namely the principal sum claimed by the demand notice dated 7th October 2003. Although we hold a prima

facie opinion that the view of the learned Chairperson cannot be upheld and sustained in law, yet, having found that Appeal No. 125 of 2011 is still not decided by the Debts Recovery Appellate Tribunal at Bombay, interest of justice would be served if we dispose off this Writ Petition with a direction that the learned Chairperson who has now taken charge shall give this appeal priority and endeavour and dispose it off as expeditiously as possible and within a period of three months from today. All the contentions on merits of both sides are kept open. The Writ Petition is disposed off.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)