

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**SUIT NO.2011 OF 2012**

|                                         |     |           |
|-----------------------------------------|-----|-----------|
| Rajnish H. Pandey                       | ... | Plaintiff |
| Versus                                  |     |           |
| Godrej and Boyce Manufacturing Co. Ltd. | ... | Defendant |

Mr. Sandip J. Ghogare, for Plaintiff.  
Mr. Mandar Soman, for Defendant.

**CORAM: S.J. KATHAWALLA, J.**

**DATE: 3<sup>rd</sup> FEBRUARY, 2016**

**P.C.:**

1. The Defendant Company had issued a cheque dated 04-08-2015 in favour of the Plaintiff for an amount of Rs.13,33,149/- in full and final settlement of the claim of the Plaintiff against the Defendant. However, the Plaintiff deposited the said cheque three months after the date of issuance of the said cheque. In view thereof, the said cheque was returned to the Plaintiff. The Plaintiff states that he has misplaced/lost the said cheque returned to him by his bankers. In view thereof, the following order is passed :

(i) The Defendant shall issue a fresh cheque of Rs.13,33,149/- in favour of the Plaintiff within a period of one week from today.

(ii) The Plaintiff undertakes not to use the cheque dated 04-08-2015 issued by the Defendant Company to him and which according to him, is lost and further

undertakes to forthwith handover the same to the Defendant as and when the cheque is found / traced.

(iii) The Plaintiff shall within a period of one week from today execute an indemnity bond in favour of the Defendant, indemnifying the Defendant from loss caused to the Defendant if any by misuse of the lost cheque by a third party.

(iv) In view of this order, the learned Advocate for the Plaintiff seeks to withdraw the above Suit. The Suit is disposed of as withdrawn. Refund of Court Fees, if any, as per rules.

**( S.J.KATHAWALLA,J. )**