

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

CIVIL APPLICATION (F) NO.1402 OF 2013
 IN
 FIRST APPEAL NO.5617 OF 2013
 MANOHAR RAMBHAU BOCHARE AND ANOTHER
 VS
 MAH. STATE FINANCIAL CORPORATION, NAGPUR AND OTHERS

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri P. S. Wathore, Advocate for the appellant.
 Shri S. V. Sonohi, Advocate for the respondent No.1.
 Shri S. A. Dharmadhikari, Advocate for respondent No.3

CORAM : A.S. CHANDURKAR, J.
DATED : MAY 05, 2016.

By this application, the applicants seek condonation of delay in filing the appeal challenging the judgment dated 30-3-2012 in Misc. Judicial Case no.14/1999. The reasons for the delay are mentioned in paras 3 to 5 of the application.

The application is opposed by the learned Counsel for the respondent No.1. In reply filed on its behalf, it has been stated that the reasons assigned are not sufficient.

The orders sought to be impugned in this appeal are also the subject matter of challenge in First Appeal No.566/2012. Perusal of the reasons assigned by the applicants does not indicate that the delay as caused is deliberate. Hence, accepting the reasons mentioned in the application, the delay stands condoned.

Civil application is allowed and disposed of.

FIRST APPEAL ST. NO.5617/2013.

Heard.

Admit.

To be heard with First Appeal No.566 of 2012.

Shri S. V. Sohoni, the learned Counsel waives notice on behalf of the respondent No.1 and Shri S. A. Dharmadhikari learned Counsel waives notice on behalf of the respondent No.3.

CIVIL APPLICATION (S) NO.5620/2013.

The applicants seek stay of the judgment dated 30-3-2012 passed in proceedings under Section 31 and 32 of the State Financial Corporation Act, 1951. In the application, it has been stated that the applicants are the guarantors and without proceeding against the principal borrower, the recovery is sought from them.

The application is opposed by the respondent No.1. It has been stated that the amount as adjudicated is due on 1-3-1999.

Perused the impugned judgment.

Merely because the applicants are the guarantors, the same would not preclude the original applicant to proceed against them without prejudice to their rights to proceed against the principal borrower. The execution of the impugned order shall remain stayed subject to the applicants depositing 75% of the principal amount of Rs.5,37,684/- within a period of ten weeks from today.

Civil application is disposed of.

JUDGE