

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2487 OF 2014

Laxman s/o Ramji Maggirwar .. Petitioners
vs
Nanded District Central Co-operative
Bank Limited, Nanded and another .. Respondents

Mr. Devanand Y. Nandedkar, Advocate for petitioners
Mr. K. J. Suryawanshi, Advocate for respondent no. 1

CORAM : SUNIL P. DESHMUKH, J.

DATE : 11th December, 2017

ORDER :

1. Heard learned counsel for the parties for considerable length.
2. It appears, the trial on behalf of the bank before first court had not been diligently prosecuted. In the circumstances, the reasons which went into making of the order of remand by the appellate court do not appear to be liable to be faulted with. However, since the petitioner is being dragged into trial again, it would be expedient that some amount of compensation be paid to him, for, he would be required to face the trial again.
3. As such, without touching impugned order passed by the appellate court, with imposition of costs on respondent-bank to be paid to petitioner, the petition is being disposed of.

4. As such, respondent to pay an amount of Rs.50,000/- towards costs to the petitioner and the dispute be proceeded with expeditiously. The costs be paid to the petitioner within a period of four weeks from the date of receipt of writ of this order. The costs shall not be put on account of petitioner in the litigation.

5. Writ petition stands accordingly disposed of.

SUNIL P. DESHMUKH
JUDGE

pnd