

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11586/2017

Chandrakant Kakasaheb More ... Petitioner
V/s.
The Mahanagar Coop. Bank Ltd. & Anr. ... Respondents

None for the Petitioner
Mr. P. A. Sarwankar i/b. Sarwankar for Respondent No.2.
Mrs. A. R. Alaspurkar, AGP for Respondent No.1.

**CORAM: K.K. TATED &
S. K. SHINDE, JJ.**

DATED : AUGUST 31, 2018

P.C. :

1 None appeared for the Petitioner. The learned counsel for Respondent No.2 Bank submits that the Petitioner has failed and neglected to comply with the order dated 27.10.2017 passed by this court. Said order reads thus:

“The matter was mentioned before the Court on October 25, 2017. However, on the said date, Mr.Chandrakant Kakasaheb More, the Petitioner in person was specifically asked as to whether he had obtained the permission from the Committee to appear in person. The Committee then had intimated vide office report dated September 27, 2017 that the Petitioner was given liberty to apply for Legal Services Authority. Accordingly, the Petitioner was asked to approach the Legal Services Authority for a counsel and the matter was adjourned to October 30, 2017.

2. Today, the matter was again produced before me and mentioned by Advocate Mr.Udayan Shah, who is on the panel of High Court Legal Services Committee. The said matter is entrusted to him on October 25, 2017.

Basavraj
Gurappa
Patil

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Basavraj G. Patil

3. *Considering the urgency in the matter and specifically when the Petitioner has made a categorical statement that he is ready to deposit an amount of Rs.4,12,170/- within a period of 6 months by way of instalment, I am inclined to grant ad-interim relief in favour of the Petitioner. The Petitioner has also placed on record an affidavit to that effect thereby undertaking to make the balance payment of the amount within a period of 8 months. However, I am inclined to reduce the period to six months. The affidavit of the Petitioner be accepted as an undertaking and any breach of such undertaking would be properly dealt with by the Court. The Respondents are restrained from proceeding with the matter in view of such affidavit and undertaking submitted by the Petitioner. Stand over to November 24, 2017.”*

2 The learned counsel for Respondent No.2 Bank submits that this court has recorded the Petitioner's undertaking that he shall make the balance payment within a period of eight months from the date of the order. He submits that as on today, a sum of Rs.2,15,000/- is due and payable.

3 As none appeared for the Petitioner, the Writ Petition stands dismissed for non prosecution.

4 Ad-interim, interim relief, if any granted earlier, stands vacated.

(S. K. SHINDE, J.)

(K. K. TATED, J.)