

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

WRIT PETITION NO. 2669/2018

J.K. Cement Limited

..VS..

WCL & anr.

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

Court's or Judge's orders

Shri S.V. Manohar, Sr. Adv. a/b Shri D.V. Chavhan, Adv for petitioner
Shri S.P. Dharmadhikari, Sr. Adv h/f Shri K.N. Shukul, Adv for Resp. no. 1

CORAM : Z.A.HAQ, J.

DATED : 26/11/2018

Heard.

The original plaintiff takes exception to the order and judgment passed by the subordinate Courts concurrently rejecting its claim for grant of temporary injunction restraining the respondent no. 1 from encashing the bank guarantee furnished by the plaintiff as per the Fuel Supply Agreement dated 30/07/2008.

Though various submissions are made on behalf of the petitioner – plaintiff and the respondent – defendant no. 1, however, in my view, looking to the nature of controversy, directions to decide the civil suit would sub-serve the interests of justice.

The bank guarantee is being encashed by the respondent/defendant no. 1 – W.C.L., and it cannot be said that if the plaintiff succeeds in the matter, it would not be possible for the plaintiff to recover the amount from W.C.L. If the bank guarantee is encashed by the respondent/defendant

no. 1 - W.C.L., the plaintiff can amend the plaint and seek appropriate orders regarding recovery of that amount from W.C.L.

With the above observation, the writ petition is **disposed**. In the circumstances, the parties to bear their own costs.

As observed above, the trial Court shall expedite the proceedings and decide the civil suit within six months.

JUDGE

Ansari