

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

**CIVIL APPLICATION (CAW) NO. 838/2019**

**IN**

**WRIT PETITION NO. 7599/2018 (D)**

Rameshchandra S. Soni

..VS..

M/s. Shriram Food Products & anr.

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

Shri Basant Kumar R. Soni (in person)

Shri Y. Maheshwari, Adv h/f Shri S. Bhutada, Adv for respondents

**CORAM : Z.A.HAQ, J.**

**DATED : 05/04/2019**

While disposing W.P. No. 7599/2018 by the order dated 18/12/2018, this Court recorded that if the petitioner re-deposits the amount of Rs. 2,42,000/- which was withdrawn by him, within one month, R.C.A. No. 305/2017 and R.C.A. No. 313/2017 pending before the District Court shall be disposed till 19/04/2019. Now, this civil application is filed praying that time to re-deposit the amount of Rs. 2,42,000/- be extended by eight weeks. The civil application is filed on 16/03/2019. Alongwith the civil application, photo copy of the cheque dated 16/03/2019 is annexed. Shri Basant Kumar R. Soni, who appears in person as holder of the power of attorney for the petitioner, states that the cheque is placed on record before the District Court alongwith an application which is filed before the District Court on 16/03/2019. It is submitted that the delay in re-depositing the amount has occurred as marriage of the grand daughter of the petitioner was scheduled on 19/02/2019 and

the petitioner faced some practical difficulties in coming to Nagpur and in re-depositing the amount.

The learned advocate for the respondents has opposed the prayer made in the civil application urging that it is a deliberate attempt on the part of the petitioner, and the conduct of the petitioner which is demonstrated from the averments made in the application before the learned District Judge praying for preponing the date of hearing, disentitles the petitioner from any indulgence by this Court.

After considering the facts of the case, the following order is passed: -

(a) The cheque placed on record by the petitioner before the District Court be submitted to the Bank for encashment, immediately.

(b) R.C.A. No. 305/2017 and R.C.A. No. 313/2017 shall be decided by the learned District Judge till 20/07/2019.

The civil application is **allowed** accordingly. In the circumstances, the parties to bear their own costs.

**JUDGE**

*Ansari*