

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

Writ Petition No.1711/2023

(MSRTC, Gadchiroli V Suresh and others)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. A.S. Mehadia, Adv for petitioner.

CORAM : AVINASH G GHAROTE, J.

DATE : 20-03-2023

The petition challenges the order dated 03-12-22 (pg 22) passed by the learned District Judge-1, Gadchiroli, insofar as it imposes the condition of furnishing of bank guarantee by way of security of Rs. 10 lacs or by deposit of the same in the Court within the time stipulated therein, on the ground that the petitioner has to receive more than Rs. 47 lacs from the respondents and at least 50% of the said amount has to be deposited.

2. The condition of grant of stay is at the discretion of the Court and such a discretion has to be exercised in the manner in which the condition does not become onerous or incapable of fulfillment so as to this meaning and purpose whatsoever. The amount of Rs.10 lacs is more than 20% of the arrears claimed, considering which, I do not see any reason to interfere in the order impugned in this petition, the petition is

therefore dismissed.

3. However, considering the nature of the proceeding, the District Judge-1 is requested to decide the matter as expeditiously as possible.

JUDGE