

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

WRIT PETITION NO.1779 OF 2023

State Bank of India, Mani Branch Arvi, Thr. Manager, Deurwada Road, Arvi Wardha and anr.

-VS-

Manish Kesarmal Agarwal, Arvi, Dist. Wardha

WITH

WRIT PETITION NO.1780 OF 2023

State Bank of India, Mani Branch Arvi, Thr. Manager, Deurwada Road, Arvi Wardha and anr.

-VS-

Dilip Kesarmal Agarwal, Arvi, Dist. Wardha

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

Court's or Judge's Orders.

Shri Bhushan Mohata, Advocate for petitioners.

Shri V. T. Deshpande, Advocate for respondents.

CORAM : A. S. CHANDURKAR AND M. W. CHANDWANI JJ.

DATE : March 30, 2023

Shri V. T. Deshpande, learned counsel waives notice for the respondents.

On hearing the learned counsel for the parties, we find that the appellate Court is seized with the application for condonation of delay as well as the stay application that has now been preferred by the petitioners who are the appellants before the said Court.

The learned counsel for the petitioners submits that 50% of the decretal amount has been deposited with the executing Court on 28/03/2023 which the learned counsel for the respondent submits is beyond one day of the time granted by the Court.

Be that as it may, since the appellate Court is seized with the proceedings, these writ petitions are disposed of by directing the appellate Court to consider the proceedings pending before it on their own merits and in accordance with law.

The interim direction issued on 20/03/2023 shall continue to operate without prejudice to the rights of the respondent till the application for stay is decided. It is clarified that this direction is issued only as a stop-gap arrangement and is not an expression on the merits of the case.

Both the writ petitions are disposed of. No costs.

Digitally signed by ASMITA
ADWAIT BHANDAKKAR
Signing Date: 31.03.2023
17:31:30

Asmita

(M. W. Chandwani, J.)

(A. S. Chandurkar, J.)