



2655-2024

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

CIVIL APPLICATION NO. 2655 OF 2024
IN WRIT PETITION NO. 5377 OF 2023

(Shree Chhatrapati Rajashree Shahu Urban Bank Ltd. & Ors. Vs. Shri Sandeep s/o Jaibhim Boke & Ors.)

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

Court's or Judge's orders.

Shri R.S. Khobragade, Counsel for the petitioners.
Shri Parth Malviya, Counsel for the applicant/respondent
no.1.
Shri S.C. Joshi, A.G.P. for respondent no.2.
Shri Parth Sagdeo, Counsel for respondent nos. 3 and 4.

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CORAM : ANIL L. PANSARE, J.
OCTOBER 7, 2024

On previous date, following order was
passed :

“ On 8/8/2024 following order
was passed :

“ Counsel for the petitioners has relied
upon judgment of the Coordinate Bench of this
Court in Greater Bombay Co- perative Bank
Ltd., Mumbai and anr. vs. Dhillon P. Shah and
Ors. 2004(1) Mh.L.J. 996, to contend that the
respondent No.1 was under an obligation to
deposit 50% of the amount of recovery
certificate, even though he has challenged the
order passed by authority below in the
proceedings consequential to recovery
certificate.

Counsel for the respondent No.1 seeks
time to take instructions whether his client is
ready to deposit 50% before this Court.

List in the week commencing from
26.08.2024.”

2. The learned Counsel for Respondent
No.1, on instructions, submits that Respondent
No.1 is ready to deposit 50% of the amount of
recovery certificate in this Court. The amount

be deposited within a period of two weeks from today. If the amount is not deposited within stipulated period, Respondent No.1 shall be liable to pay Rs.5000/- per day on the delayed deposit.

3. List the Petition in the week commencing from 21st October, 2024.”

2] Respondent no.1 has filed application seeking extension of time on the ground that his client has no definite source of income.

3] If the statement is to be accepted, it is surprising as to how respondent no.1, on previous date, showed his willingness to deposit 50% of the amount of recovery certificate. The request for extension of time appears to be an attempt made to prolong the matter.

4] The application is accordingly rejected. Respondent no.1 shall pay Rs.5,000/- per day on the delayed deposit, as ordered by this Court. It is further made clear that if the amount is not deposited as agreed with delayed cost by 21/10/2024, the order impugned may be set aside.

5] List in the week commencing from 21/10/2024.

(ANIL L. PANSARE, J.)

Sumit