

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

WRIT PETITION NO.290 OF 2024

(Rajvir Singh Verma and another Vs. Pramod Kumar Chandola s/o Jeevanand
Chandola)

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

Court's or Judge's orders.

Mr. A. S. Siddiqui, Advocate for Petitioners.
Mr. S. M. Prasad, Advocate for Respondent.

CORAM: N. R. BORKAR, J.

DATE: 18th NOVEMBER, 2024.

This petition takes exception to the order dated 29.08.2023, passed by learned Civil Judge, Senior Division, Nagpur in MJC No.654/2021.

2. The respondent herein had filed a suit for recovery of amount of Rs.7,51,000/-. By judgment and decree dated 03.08.2019 the trial court decreed the suit.

3. By the order impugned, the trial court has rejected the application filed by the present petitioner in filing application under Order 9 Rule 13 of the Civil Procedure Code to set aside the decree passed by the learned trial court in favour of respondent.

4. I have heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. Pursuant to the order passed by this Court dated 15.07.2024 the petitioner has deposited Rs. 2 lakhs before the Executing Court.

6. Considering the facts and circumstances of the case the following order is passed.

7. The order impugned is set aside subject to payment of costs of Rs.10,000/- by the petitioner to the respondent within a period of eight weeks.

8. The respondent is permitted to withdraw the amount of Rs.2,00,000/- deposited by the petitioner before the Executing Court subject to undertaking in respect of refund of said amount with a simple interest at the rate of 6% if such eventuality arises.

9. The interim order passed by this Court dated 15.07.2024 shall remain in operation till the decision of the application filed by the petitioner under Order 9 Rule 13 of the CPC.

10. The trial court shall endeavour to decide the application under Order 9 Rule 13 of the CPC within a period of six months from the date of receipt of copy of this order.

(N. R. BORKAR, J.)