



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

WRIT PETITION NO. 629 OF 2024

(Sureshchand s/o Shrinarayanji Sharma

Vs.

Nirmal Ujjwal Credit Co-Operative Society Limited (Multistate),
Nagpur)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. J.M. Gandhi, Advocate for the Petitioner.
Ms. Usha Gujar, Advocate for the Respondent.

CORAM: N.R. BORKAR, J.

DATED : 19th JULY, 2024

This Petition takes exception to the order dated 29.04.2023 passed by Adhoc District Judge-1, Nagpur below Exh.12 in R.C.A. No. 52/2019.

2. The Respondent herein has filed the above appeal against the decree of mesne profits. By order dated 03.08.2019, the appellate court has stayed the execution of the decree subject to deposit of decreetal amount of Rs.10,40,000/-. By the order dated 24.10.2019, the appellate court permitted the present Petitioner/decreed holder to withdraw the said amount of Rs.10,40,000/-. However, by the order impugned the appellate court, pursuant to the application filed by the Respondent, directed the Petitioner to redeposit the said amount.

3. I have heard the learned Counsel for the Petitioner and the learned Counsel for the Respondent.

4. The learned Counsel for the Petitioner, has tendered an undertaking, wherein the Petitioner has stated that in the event the decree of mesne profits is set aside, he would return the amount within seven working days. The undertaking is taken on record and marked as 'X' for the purpose of identification.

5. In view of the above undertaking, the order impugned is quashed and set aside.

6. Considering the fact that the appeal is of the year 2019, the appellate court shall endeavour to decide it within a period of four months from the date of receipt of the copy of this order.

7. The Petition is **disposed** of in the above terms.

8. Pending application/s, if any, shall stand disposed of accordingly.

(N.R. BORKAR, J.)