



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

CIVIL APPLICATION (CAS) NO.964/2025
IN
SECOND APPEAL NO.65/2025

Maharashtra State Road Transport Corporation, Through its Divisional
Controller, Buldana Division, Buldana, Tq. And Distt. Buldana

...Versus...

Mess Ekata Tent House, Malkapur through Prop. Mohd. Anwar Mohd. Harun

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

Court's or Judge's orders

Mr. P.S. Gawai, Advocate for appellant
Mr. A.J. Thakkar, Advocate for respondent

CORAM : ROHIT W. JOSHI, J.
DATE : 16/10/2025

1. The present appellant has suffered concurrent decrees for payment of amount of Rs.2,53,994/- with interest @ 6% per annum from the date of filing of the suit i.e. from 21/09/2020 till the date of realisation of amount.
2. Pursuant to the order dated 09/09/2024, the appellant has deposited 50% of the decretal amount with this Court. The facts of the case indicate that respondent/contractor has made necessary arrangements for fair to be held between 5th to 17 March, 2020. However, due to the pandemic situation, the fair was not organized. The appellant did not make payment of the agreed amount of consideration under contract to the respondent because the fair was cancelled. Both the Courts have decreed the suit in favour of the respondent.

3. In view of the above, the respondent is permitted to withdraw the decretal amount deposited by the appellant in this Court along with accrued interest thereon, if any, subject to furnishing an undertaking that in the event the appeal is allowed, he will refund the said amount to the appellant along with interest.

4. The civil application is allowed and disposed of accordingly.

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List the appeal for further consideration on 20/11/2025.

(ROHIT W. JOSHI, J.)