

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1104 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgement?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

RAMNIKLAL R NANDA

Versus

MANAGER-NAVANAGAR CO-OPERATIVEBANK LTD

Appearance:

MR MAHENDRA K. PATEL & MRS ATULA P BHATT for Petitioner
MR AM MEHTA for Respondent No. 1
DS AFF.NOT FILED (R) for Respondent No. 2

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 30/04/98

ORAL JUDGEMENT

Heard the learned Counsels. The petitioner has already made the payment of Rs.5,200/- to the respondent Bank, under the order made by this Court on 6th March 1991. Having regard to the facts and circumstances of the case and consensus of the parties, it is directed

that the petitioner shall pay a further amount in sum of Rs.5,000/- (Rupees Five thousand only) by two monthly instalments. The first instalment of Rs.2,500/- (Rupees Two thousand five hundred only) shall be paid by the petitioner latest by 30th May 1998 and the second instalment of Rs.2,500/(Rupees Two thousand five hundred only) shall be paid by 30th June 1998. The petitioner shall file an undertaking before this Court agreeing to pay as aforesaid. If the petitioner fails to honour the undertaking and making the payment as above, the respondent Bank will be entitled to recover a sum of Rs.10,000/- (Rupees Ten thousand only) from the petitioner. If the petitioner makes payment of the above amount of Rs.5,000/-, that will be the full and final payment to the Bank and the Bank will not be entitled to recover any further amount. The petition is allowed accordingly. The judgment and award of the lower authorities will stand modified accordingly. Rule is made absolute to the said extent.

sreeram.