

Vimal Services Ltd. Vs. Bank of India thro' Manager and Anr.

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Court : Gujarat

Decided On : Apr-30-2008

Reported in : (2008)3GLR1894

Judge : C.K. Buch, J.

Acts : Indian Companies Act, 1956; Banking Company (Acquisition and Transfer of Undertakings) Act, 1970; [Banking Regulation Act, 1949](#) - Sections 6; Negotiable Instruments Act - Sections 8; Indian Contract Act, 1972 - Sections 126; Transfer of Property Act - Sections 3 and 130; [Code of Civil Procedure \(CPC\) , 1908](#) - Order 7, Rule 11 - Order 39, Rule 1; [Constitution of India](#) - Articles 3, 6, 9, 10, 12, 13, 14, 24 and 226

Appeal No. : Special Civil Application No. 21094 of 2006

Appellant : Vimal Services Ltd.

Respondent : Bank of India thro' Manager and Anr.

Disposition : Petition allowed

Judgement :

ORDER

30. Before the aforesaid CAV judgment could be signed, Shri J.T. Trivedi, learned Counsel appearing for the respondent No. 1-Bank, has prayed that the operation of the present judgment may be suspended at least for some time because

ultimately it is the obligation of the respondent No. 1-Bank to pay the amount.

31. As the present judgment, to some extent, so far as the award of costs and interest is concerned, has some element of mandamus, it would be in the interest of justice to place the same under suspension.

32. There is strong resistance from the other side so far as request for suspension is concerned. It is also submitted by Shri Vyas that the respondent No. 1-Bank at least should be asked to pay something during the interregnum period, but this submission is not found acceptable.

33. Hence, the present judgment is hereby ordered to be placed under suspension till 14th May 2008 and there shall not be any further extension of the same.

34. Direct Service is permitted.

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