

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

SECOND APPEAL NO. 379 OF 2025

(M/s. Gandhi Sales Corporation and another vs. Ku.Premlata d/o Kishorilal Banarasi)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. Amit R. Prasad, Advocate for appellant.

CORAM : ROHIT W. JOSHI, J.
DECEMBER 16, 2025

- 1) Heard learned counsel for the appellant.
- 2) The respondent herein had filed a suit for recovery of amount of Rs.14,44,877/- against the appellant/original defendants. The claim is based on a cheque dated 30/12/2009 issued by the defendants to the plaintiff for an amount of Rs.8,79,379/-. The learned trial Court had decreed the suit, thereby directing the plaintiff to pay the cheque amount along with interest @18% p.a. from the date of cheque till the date of institution of the suit and further interest @6%p.a. on sum of Rs.13,54,271/- which includes principal cheque amount of Rs.8,79,379/- and interest that is accrued prior to filing of the suit.
- 3) In view of above, issue notice to the respondents on following substantial question of law by speed post in addition to regular mode of service, returnable on **20/01/2026**.

“Whether learned Courts have erred in imposing liability to pay interest on the interest component for period prior to the institution of the suit ?”

The applicant to file affidavit of service before the returnable date.

CIVIL APPLICATION (S) No.1252/2025

- 1) Subject to the condition of depositing the amount of Rs.8,79,397/- along with simple interest @6%p.a. from 01/01/2010 till the date of deposit of the amount; the execution of the impugned decree shall stand stayed till the returnable date.
- 2) It is made clear that the interim order shall operate only after the amount is deposited.

(ROHIT W. JOSHI, J.)