

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

FIRST APPEAL NO.2496 OF 2014
WITH
CIVIL APPLICATION NO.8663 OF 2010

The Executive Engineer,
Latur Minor Irrigation Division,
Latur

..Appellant

Versus

Prakash Vithal Solanke
and anr.

..Respondents

Mr Raturaj C. Patil, Advocate for appellant
Mrs P.G. Sontakke, Advocate for respondent No.1
Mr G.R. Ingole, A.G.P. for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 29th June 2015

PER COURT

1. By way of order dated 11.6.2014, passed in Civil Application No. 8662/2010 preferred by the appellant for condonation of delay, this Court has condoned the delay on the condition that the applicant/appellant shall deposit the amount as awarded by the reference Court within twelve weeks from 11.6.2014.
2. Since last one year neither the said order is complied nor any extension is sought.
3. My attention is invited to the order dated 8th October 2014 wherein, according to present appellant, liberty is given to the claimant to execute the decree in question.

4. In my opinion, it will be inappropriate to leave the claimant at the mercy of the appellant, particularly when the appellant disregards the order of this Court dated 11th June 2014 by which on condition of deposit, the delay was condoned.

5. At the request of learned Counsel for the appellant, by way of last chance twelve weeks time is granted to deposit the amount, as ordered on 11th June 2014; failing which the order condoning the delay passed on June 11th 2014 shall stand recalled and the application for condonation of delay shall be dismissed without reference to the Court.

(N.W. SAMBRE, J.)

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