

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

**CIVIL APPLICATION NO. 7183 OF 2015
IN
SECOND APPEAL NO. 739 OF 2012**

Sheshrao Bapurao Zade

...APPLICANT

versus

Raghunath Bapurao Zade and others

...RESPONDENTS

.....
Mr.Mohd Waseemullah, Advocate holding for
Mr. S.S. Kazi, Advocate for applicant

.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 27th NOVEMBER 2015

Order :-

1. Despite being served, no appearance is being cause on behalf of respondents.
2. Learned counsel for applicant submits that although the court had passed order that the cost of Rs. 5000/- be deposited within six weeks from the date of order i.e. 16-11-2013, however, the same could not be deposited in referred to time. He has referred to various reasons *inter-alia* that while on last occasion when time was extended, chronic disease from which the applicant was suffering had worsened. Under the circumstances, the period during which cost was expected to be paid, could not be deposited. There is no resistance to contentions on behalf of the applicant.

3. However, looking at that initial order was passed in November, 2013 and we are in 2015, I deem it appropriate cost of Rs. 5000/- as directed by this court under order dated 16-11-2013 be deposited within four weeks from today. Additionally, as condition precedent for granting this application Rs.1500/- more by addition in aforesaid amount be deposited. As such, the applicant to deposit Rs. 6500/- before the lower appellate court within a period four weeks from today. In case of failure to deposit the aforesaid amount of cost of Rs.6500/- within stipulated period, order dated 16-11-2013 and its consequences would stand revived.

4. Accordingly, civil application is allowed and stands disposed of.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK