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

WRIT PETITION NO.10534 OF 2014

The Dhule Municipal Corporation, Dhule. ..Petitioner

-Versus-

Abdul Rashid Abdul Samad and others. ..Respondents

.....

Mr.N.N.Desale, Advocate for the Petitioner.

Mr.U.H.Bhogle, AGP, for the Respondents/State.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 09th January, 2015

Per Court:

1 By a speaking order dated 17.12.2014 this Court had protected the Petitioner subject to depositing an amount of Rs.15,000/- in this Court. The said order has not been complied with.

2 Mr.Desale, learned counsel appearing for the Petitioner-Municipal Corporation, submits that on the date this Court passed its order (17.12.2014), the RCS No.154/1998, in which the Petitioner was the Defendant, had been dismissed on 11.12.2014. The order below Exhibit-138 was impugned in this petition and in view of the dismissal of the said suit, this Writ Petition is rendered infructuous. He, therefore, submits that this petition be dismissed as being infructuous and the

Petitioner be exempted from complying with the order dated 17.12.2014.

3 The learned AGP has opposed the said request to a limited extent. His submission is that the dismissal of RCS No.154/1998 is a different aspect of the matter. The process of law has been set in motion at the behest of the Petitioner. Therefore, as a law abiding litigant and being a limb of the State, it was expected that the order of this Court should have been implemented notwithstanding the above mentioned events. He, therefore, submits that some costs may be directed to be paid by the Petitioner-Municipal Corporation to the Advocates' Association Bar Library, Aurangabad Bench.

4 I am in agreement with the views expressed by the learned AGP. This Writ Petition is dismissed as infructuous.

5 However, the Petitioner -Municipal Corporation shall pay an amount of Rs.5000/- (Rupees Five Thousand) to the Advocates' Association Bar Library, Aurangabad Bench. This amount shall be deposited within a period of FOUR WEEKS from today.

(RAVINDRA V. GHUGE, J.)