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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.3611 OF 2014
WITH
CIVIL APPLICATION NO.49 OF 2015
IN
WRIT PETITION NO.3611 OF 2014**

Satish Ramchandra Sathe

...Petitioner.

v/s.

District Judge, Pune and Ors.

...Respondents.

Mr.Abhijeet Kandarkar, for the Petitioner.

Mr.K.K.Waghmare, for the Respondent No.5.2.

**CORAM: A. S. OKA &
REVATI MOHITE DERE, JJ.**

DATED : 15th JULY, 2015.

P.C.

1. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent no.5.2.

2. The occasion for filing this petition arose as the Record and Proceedings of Special Civil Suit No.221 of 1982 was misplaced. Initially an Appeal being First Appeal No.251 of 1995 was preferred in this Court

for challenging the decree in Special Civil Suit No.221 of 1982. The learned counsel for the petitioner states that thereafter, the Appeal was sent back to the District Court as a result of the amendment to the provisions of the Bombay Civil Courts Act, 1869. Thereafter, the Appeal has been renumbered in the District Court as Civil Appeal No.29 of 2008.

3. Now a report is received from the learned Civil Judge, Senior Division, Pune, which is dated 1st July, 2015 in which it is stated that the Record and Proceedings of Special Civil Suit No.221 of 1982 consisting of A, B, C and D files has been found. In view of the said report, now the pending Appeal can be disposed of in accordance with law.

4. The learned counsel appearing for the respondent no.5.2 states that the said respondent is willing to furnish a Bank Guarantee of Rs.3,00,000/-. He states a direction may be given to the District Court to accept the Bank Guarantee. We accept the said statement.

5 As the records are now available, the petition need not be entertained and the same is disposed of by passing the following order :-

ORDER

- i) We direct the learned Civil Judge, Senior Division, Pune, to ensure that the Record is forwarded to the Court before which the Civil Appeal No.29 of 2008 is pending ;
 - ii) Considering the peculiar facts of the case, we direct the District Court of Pune, to dispose of the pending Appeal as expeditiously as possible and preferably on or before 31st December, 2015 ;
 - iii) We accept the statement made by the learned counsel appearing for respondent no.5.2, regarding furnishing of the Bank Guarantee ;
 - iv) It will be open for the parties to seek appropriate directions from the District Court in the pending appeal as regards furnishing of the Bank Guarantee ;
 - v) The Petition is disposed of on the above terms.
6. Civil Application no.49 of 2015 does not survive the same is disposed of.

(REVATI MOHITE DERE,J.)

(A.S. OKA,J.)