

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO.1193 OF 2015****IN****WRIT PETITION NO.8441 OF 2011**

Azra Akhtar Rizvi

..Applicant.

versus

Iqbal Ahmed Sayed

..Respondent.

.....

Mr. M. V. Holamagi for the Petitioner.

Mr. Vasim Siddiqui i/b. Kunal Bhanage for the Respondent.

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CORAM : A.S. GADKARI, J.
(VACATION COURT)**19th May 2015.****P.C. :**

This is an application filed by the applicant-original petitioner for extension of period. By an order dated 24th April, 2015 while allowing the Writ Petition No.8441 of 2011, this Court in para 9 has directed as under:-

"Accordingly, the writ petition is allowed. The orders passed by the Appellate Bench of the Small Causes Court in Misc. Appeal No.195 of 2010 and the order passed by the Small Causes Court, Mumbai, in Misc. Notice No.744 of 2009 and the judgment and decree in R.A.E. Suit No.471/877 of 2008 are quashed and set aside. R.A.E. Suit No.471/877 of 2009 stands restored to file. This shall however be subject to the petitioner depositing an amount of Rs.3,00,000/- in the Small Causes Court, Mumbai, within a period of four weeks from today."

2] In the said order, this Court had put a specific condition that the reliefs were granted to the petitioner was subject to the petitioner

depositing an amount of Rs.3,00,000/- in the Small Causes Court within a period of four weeks from the date of passing of the order dated 24th April, 2015.

3] The present application has been moved on the ground that the applicant-petitioner is suffering from financial hardship and unable to comply the said direction within the stipulated period. Mr. Holamagi, the learned counsel for the applicant-petitioner, on instructions, states that his client who is present in the Court, gives an undertaking that the applicant shall deposit an amount of Rs.3,00,000/- within a period of four weeks from today in two equal installments of Rs.1,50,000/- each. The first installment of Rs.1,50,000/- shall be deposited on or before 30th May, 2015 in the Small Causes Court and the second installment shall be deposited in the Small Causes Court on or before 16th June, 2015.

4] If the applicant deposits the amount of Rs.3,00,000/-, the Respondent is at liberty to withdraw the same by making an application before the Small Causes Court. In addition to the deposit of the said amount, the applicant shall file an undertaking in the writing in this Court within a period of 3 days from today that they shall adhere by this order and shall not seek further extension of time for depositing of the said amount.

5] If the applicant fails to comply with the order passed today, the order dated 24th April, 2015 passed by the learned single Judge shall stand operative without further reference to the Court. The order dated 24th April, 2014 is modified to the extent stated in paragraph No.3 above and the rest of the order is not at all disturbed. In view of the above, the application is allowed.

(A.S. Gadkari, J.)