

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.700 OF 2015

Smt. Lakshmi Prakashchand Oswal.] ... Petitioner

Versus

Shri Shivajirao Appaji Patil (Since Deceased)]
Through LRs.] ... Respondents

Mr. A. M. Kulkarni for Petitioner.

Mr. J. Shekhar i/b J. Shekhar & Co. for Respondent No.1A.

CORAM :- M. S. SONAK, J.

DATE :- SEPTEMBER 03, 2015

P. C. :-

1. Rule.

2. With the consent of and at the request of the learned Counsel for parties, Rule is made returnable forthwith.

3. This petition challenges the order dated 25/07/2014 by which the Petitioner's appeal has been dismissed, on account of failure to deposit the compensation amount regularly, in terms of order dated 04/04/2008 passed below Exh.5. The record indicates that the Petitioner has deposited the amount of compensation, however, there was, on occasions, some delay in adhering to the time schedule. The

Petitioner, through his learned Counsel, tenders an undertaking that hereafter, the Petitioner will deposit the amount of compensation regularly and well within time schedule prescribed before the Appeal Court. Further, the Petitioner has already deposited an amount of Rs.78,350/- in terms of the order made by this Court on 16/07/2015. the learned Counsel for Petitioner has made a statement there shall be no objection to the Respondent withdrawing the said amount. In the facts and circumstances of the present case, it would be appropriate if the Respondent is permitted to withdraw this amount. It is directed accordingly.

4. In view of the aforesaid, the impugned order dated 25/07/2014 is set aside. The Petitioner's appeal is restored to the file of the Appeal Court. The Appeal Court to decide the appeal as well as the cross-objection on their own merits and in accordance with law.

5. Since the appeal is of the year 2008, hearing of the appeal is expedited.

6. The Trial Court to endeavour to dispose of the appeal within a period of six months from today.

7. Rule is made absolute to the aforesaid extent. There shall be no order as to costs since the Respondent is permitted withdraw the amount of Rs.78,350/-. Such withdrawal shall abide by the final orders that may be made in the appeal.

8. Registry of th is Court is requested to remit the amount of Rs.78,350/- to the Additional District Judge, Islampur, Sangli, to the account of Appeal No.18 of 2008 forthwith.

(M. S. SONAK, J.)

CERTIFICATE

“I certify that this Order uploaded is a true and correct copy of original signed Order.”