

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1595 OF 2014.

(SHAMRAO KISANRAO WAGH...VS..THE DIVISIONAL JOINT REGISTRAR COOP. SOCIETIES,
AMRAVATI & 6 OTHERS.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.V. Siras, Advocate for Petitioner.
Shri A.H. Patil, Advocate for Respondent Nos. 3 & 4.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 21, 2015.

Shri D.V. Siras, learned advocate for the petitioner, on instructions, seeks permission to withdraw the petition with liberty to avail alternate remedy. It is requested that the interim order granted by this Court on 26th March, 2014 be continued.

Shri A.H. Patil, learned advocate for the respondent Nos. 3 and 4 opposed the prayer made on behalf of the petitioner for continuation of the interim order. It is submitted that the petitioner was required to deposit 50% of Rs.10,81,223/- within four weeks as per the order dated 26th March, 2014 and then the petitioner was granted further time of two weeks to deposit the amount by order dated 7th May, 2014, however, the petitioner has not deposited the amount. It is further submitted that the amount which is required to be deposited by the petitioner comes to around Rs.19,00,000/-. The petitioner has not complied with the directions given by this Court and has enjoyed the interim order granted by this Court. In these facts, I am not inclined to continue the interim order granted by this Court on 26th March, 2014 without imposing conditions on the petitioner.

The learned advocate for the petitioner, on instructions, has submitted that the petitioner would deposit 75% of the amount.

If the petitioner deposits 75% of the amount payable by the petitioner, as would be determined by the Divisional Joint Registrar, Co-operative Societies, Amravati, till 16th November, 2015, the possession of the petitioner over the property in question shall not be disputed.

The amount be deposited before the Divisional Joint Registrar, Co-operative Societies, Amravati.

If the petitioner fails to deposit the amount, as would be determined by the Divisional Joint Registrar, Co-operative Societies, Amravati, within the stipulated time, the interim order shall stand vacated.

With the above observations, the petition is disposed as withdrawn with liberty to the petitioner to avail alternate remedy.

JUDGE