

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

**CIVIL APPLICATION (CAF) NO.1154 OF 2015**  
**IN**  
**FIRST APPEAL NO.1093 OF 2014.**

(VITTHAL LAXMAN GAIKWAD & ANR...VS..ANIL GOPALRAO NIKALJE)

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

Shri A.M.Pannase, Advocate for the applicants.  
Shri V.A.Dhabe, Advocate for N.A./ Respondents.

**CORAM : Z.A.HAQ, J.**  
**DATED : SEPTEMBER 04, 2015.**

The application is filed by the applicant seeking modification of the interim order passed by this Court on 23rd February, 2015. It is submitted that the appellant is an agriculturist and is not in a position to deposit the amount of Rs.5,00,000/- as directed by this Court. It is prayed that the condition of deposit of Rs.5,00,000/- be dispensed with. In the alternative, it is submitted that time to deposit the amount be extended.

Considering the facts on the record, especially that the appellant will continue with the possession of the property in view of the interim order passed by this Court and the findings recorded by the trial Court that the appellant has received an amount of Rs.3,60,000/- at the time of agreement of sale, the condition of depositing Rs.5,00,000/- with the Registry of this Court cannot be dispensed with. However, accepting the reasons given by the appellant, the time to deposit the amount is extended till 30th November, 2015.

In case, the amount is not deposited till 30th November, 2015 the interim order shall stand vacated without reference to the Court.

The Civil Application is disposed of in the above terms. No costs.

**JUDGE**

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