

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4179 OF 2016
WITH
CIVIL APPLICATION NO. 10684 OF 2015
IN WP/874/2010

PRADIP DATTULAL SORTI
VERSUS
ANURADHA ARUNRO NAKADE AND ANOTHER

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Advocate for Applicant : Shri Naik V.R.
Advocate for Respondents : Shri Deokate M.G. h/f Shri Dhumal S.A.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 01, 2016
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PER COURT :-

1. The first application has been filed by the original respondent No.1 praying for vacating the interim relief granted on 7.7.2010. He has filed the second application praying for listing the Writ Petition for final hearing.
2. I have considered the contentions of the learned Advocates for the applicants.
3. By an interim order dated 7.7.2010, this Court had granted interim relief on the condition which reads as under:-

“ Heard learned counsel for the petitioner Rule returnable early. Interim relief in terms of prayer clause “C”, subject to condition that the petitioner to deposit an amount of monthly rent / occupation charges of Rs.3,000/- (Rs. Three thousand only) regularly on or before 10th of each succeeding month in the Trial Court. If such an amount is not deposited, the interim relief granted earlier by this Court shall stand automatically vacated.”

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4. The applicant has relied upon the roznama in R.D. No. 45 of 2008 to suggest that though the original petitioner is depositing Rs.3,000/- per month in the trial Court, on a few occasions, the said amount has been deposited after the 10th day of the said month. He, therefore, submits that the interim relief is to be vacated.

5. The interim relief was granted on 7.7.2010 on the condition as is reflected in the order reproduced above. Interim relief would stand vacated if the said order is not complied with.

6. This Court has considered a similar Civil Application No. 6442 of 2011, filed by the applicant wherein the delay of few days after the 10th of each month was considered by this Court and the Civil Application was disposed off. The applicant shall, therefore, produce the copy of the said order dated 2.12.2011 before the trial Court for its perusal. In the light of the said order dated 2.12.2011, this first Civil Application does not deserves to be entertained and is rejected.

7. This Court has listed the petition for final hearing by its order dated 31.1.2014. Considering the same, the second application is allowed. List Writ Petition No.874 of 2010 for final hearing in the weekly final hearing board, commencing from 11.7.2016.

(RAVINDRA V. GHUGE, J.)

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