

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

2 CIVIL APPLICATION NO. 3828 OF 2016
IN CA/3192/2005 WITH CA/9062/2006 IN SA/434/2005 WITH
CA/1570/2016 IN SA/434/2005

JANYA HURJI DESAI DED THROUGH LRS CHAGAN JANYA DESAI
AND ORS
VERSUS
HANUBAI DHANJYA KUWAR & ORS

...
Advocate for Applicants : Patil Pravin S.
Advocate for Respondents 1 : V.P. Raje h/f. C R Deshpande
...

CORAM : T.V. NALAWADE, J.
DATED : 4th April, 2016.

ORDER :

1. Civil Application No. 3828/2016 is filed by original appellant for permission to deposit the amount and for continuation of interim relief.

2. Seen the order made by this Court in the year 2008. Order was made by the the other Hon'ble Judge of this Court which was conditional order for granting relief and direction was given to deposit Rs. 10,000/- per year. Since the year 2008, not a single pie is deposited and now present application is filed and in present application also, the learned counsel for appellant submitted that installments needs to be given. In that order also concession was given and it was made clear that on failure of

two consecutive installments, stay shall stand vacated automatically. In view of this order, it is to be presumed that the stay is already vacated.

3. It is noticed by this court that the parties are taking it lightly and only to protract the things application like present one are filed. The submission that there was communication gap between the advocate and his client till 2016 is not at all acceptable. The application is rejected.

[T.V. NALAWADE, J.]

ssc/