

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

920 WRIT PETITION NO. 348 OF 2016

AMAR DAGDU PATIL

VERSUS

SUNDARBAI DAGDU PATIL AND ANOTHERS

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Advocate for Petitioner : Mr.Kulkarni M.A.

CORAM : V. K. JADHAV, J.**DATE : 15th January, 2016****PER COURT :**

1. Heard.

2. Learned counsel for the petitioner submits that this Court, in Appeal From Order No. 125/2013, by dated 14.09.2015, set aside the rejection and restored Mis. Application No. 314/2009 to its original position on condition that the applicants therein to pay costs of Rs.5000/- to respondent no.1 within four weeks. It is clarified that payment of cost is condition precedent. Thereafter respondents/original appellants have filed application before the trial Court within four weeks. The trial Court however, allowed to deposit the costs as directed by this Court by passing order on 17.10.2015. Learned counsel for the petitioner submits that the order passed by this Court is not complied with by the Court below.

3. There is no substance in the submissions. The respondents/original appellants, as directed by this

Court, submitted an application below Exh.23 within four weeks before the trial Court to deposit costs of Rs.5000/- forthwith. However, the Court has called record and proceedings and thereafter passed order, allowing the respondents original appellants to deposit the costs. There is no substance in the writ petition.

4. Writ petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

JPC