

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 3309 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Umesh Pawar i/b Prashant Bhavake for the Petitioner.

Mr. Surel Shah for the Respondent No.1.

CORAM : K. K. TATED, J.

DATED : 28/03/2016

PC.:

. Heard learned Counsel for the parties.

2 This Writ Petition is preferred by defendant under Article 227 of the Constitution of India challenging the order dated 17.02.2016 passed by the Joint, Civil Judge, Junior Division, Ichalkaranji below Exh.36 in Regular Darkhast No. 104 of 2009 by which the Trial Court directed defendant to deposit sum of Rs.1 lac in Court till the defendant's application for condonation of delay in filing appeal stands disposed of on its own merits.

3 The learned Counsel for the defendant submits that order passed by the Trial Court is harsh. It is very difficult for the petitioner defendant to deposit a sum of Rs.1 lac. Hence, the same order to be modified to the extent of reasonable amount.

4 On the other hand, the learned Counsel for the respondent plaintiff submits that in view of

subsequent development, nothing survives in the present petition. He submits that defendant filed present petition on 25.02.2016 in Trial Court below Exh.42/D for extension of time to comply the order dated 17.02.2016. He submits that, that application was decided by the Trial Court by order dated 25.02.2016 and granted time to the defendant to deposit a sum of Rs.1 lac in Trial Court till 03.03.2016. He submits that though the Trial Court extended time to deposit the amount of Rs.1 lac, defendant failed and neglected to do so. He submits that when the defendant on his own made an application in Trial Court for the extension of time to comply the order dated 17.02.2016 and not for reduction of the amount, there is no question of entertaining the present Writ Petition.

5 I heard both the sides at length. Though, the Trial Court by order dated 17.02.2016 directed the petitioner/defendant to deposit a sum of Rs.1 lac, thereafter, the defendant filed application on 25.02.2016 requesting extension of time to comply the same. That application was allowed by the Trial Court by order dated 25.02.2016 and extended time to deposit the amount till 03.03.2016.

6 In view of subsequent development, nothing survives in the present Writ Petition. Hence, Writ Petition stands rejected.

(K.K.TATED, J.)