IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.361 OF 2016
along with
CIVIL APPLICATION NO.466 OF 2016
along with
CIVIL APPLICATION NO.483 OF 2016
in
APPEAL FROM ORDER NO.361 OF 2016

Gopinath Bhiva Manerkar & Anr. .. Appellants/Applicants
Vs.
Kalyan Dombivali Municipal Corporation
Kalyan through its Commissioner & Ors. .. Respondents

Mr.G.S. Godbole a/w Ms.Jai V.Kanade i/by Mr.S.S. Kothari for Appellants/Applicants.
Mr.A.S. Rao for Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 28th September 2016

P.C.

. Learned counsel for the appellants invited my attention to the order dated 5th April 2016 passed by this Court in this appeal recording the statement of the learned counsel for the appellants that the appellants have kept a cheque in the sum of Rs.70 lacs ready as directed to the appellants to deposit the said amount with the respondent no.1-Corporation by the extended period.

2. Learned counsel submits that pursuant to the order dated 5th April 2016, the appellants had already deposited a sum of Rs.1,07,23,491/- with the respondent no.1-Corporation.

3. In view of deposit of 50% amount is already made by the appellants as directed, in my view, the application (Exhibit-5) will have to be heard on its own merits by the learned trial Judge.

4. The learned trial Judge is directed to dispose of the application (Exhibit-5) expeditiously and not later than six months from today. Ad-interim protection granted by the learned trial Court to continue till the application (Exhibit-5) is disposed of by the learned trial Judge. It is made clear that this Court has not expressed any views on merits of the matter. Contentions of both the parties are kept open.

5. Appeal from order is disposed of in aforesaid terms. In view of disposal of the appeal, civil applications do not survive and are disposed of. No order as to costs.

R.D. DHANUKA, J.