

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

CIVIL APPLICATION NO.1315/2016
IN
WRIT PETITION NO.12210/2015

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. Dushyant Pagare for the applicant

CORAM : K. K. TATED, J.

DATE : JUNE 13, 2016

P.C.:

1. Heard. This application is made by the defendant for extension of time to comply with the order dated 11.12.2015 passed by this court in Writ Petition No.12210/2015 allowing the applicant to deposit sum of Rs.8,30,000/- in the Trial Court within 10 weeks from the date of order.

2. Thereafter the applicant made Civil Application No.255/2015 for further extension of time. Same was allowed by this court by order dated 27.01.2016.

3. The learned counsel for the applicant submits that the applicant was not keeping well during this period. In support of this contention,

he relied on medical certificate on page No.28 and 29. Hence, it remained on their part to comply with the order dated 11.12.2015 within stipulated time as per further order dated 27.01.2016. He submits that a DD of Rs.8,00,000/- is ready. In support of that, he placed reliance on a photocopy of said DD of Rs.8,00,000/- which is at page No.32. He submits that the applicant undertakes to deposit sum of Rs.8,30,000/- in the Trial Court within a week from today. He submits that the applicant is from Bangalore. Hence, he seeks 2 weeks time to file written statement with copy to other side.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for extension of time, on payment of cost of Rs.5000/-. Cost to be deposited in the Trial Court within 2 weeks from today. The respondent plaintiff is entitled to withdraw the said cost without any security.

5. Hence, following order is passed:

a. Time to comply with order dated 11.12.2015 in respect of deposit of Rs.8,00,000/- is granted till 20.06.2016.

- b. Time to file written statement with copy to other side is extended till 27.06.2016.
- c. The applicant to deposit cost of Rs.5000/- in the Trial Court within 2 weeks from today.
- d. If the applicant fails to deposit the amount within stipulated time as stated hereinabove, the Civil Application shall stand dismissed without further reference to the court.
- e. Respondent plaintiffs are entitled to withdraw cost of Rs.5000/- without any security.
- f. Civil application stands disposed off accordingly.

JUDGE