

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1761 OF 2013
ALONGWITH
CIVIL APPLICATION NO. 1827 OF 2013
IN
WRIT PETITION NO. 10021 OF 2010**

WITH

WRIT PETITION NO. 4475 OF 2000

The Liquidator,
Karmaveer Kakasaheb Wagh
Sahakari Sakhar Karkhana Ltd.

...Petitioner / Applicant

vs.

Namdeo Ranoji Khapare & Ors.

....Respondents

Mr.Ashish Gaikwad for Applicant.

Ms.Anjali N. Helekar for Respondent Nos.2 to 8, 10, 11, 13 and 14.

CORAM : S.C. GUPTE, J.

19 JULY 2016

P.C. :

Civil Application No.1761 of 2013 prays for recall and setting aside of an order dated 26 August 2011 passed by the Registrar (Judl-1). By the impugned order, which is a self operative order, the Registrar dismissed the petition for non-prosecution by non-payment of bhatta within the stipulated period. The Petitioner has explained the circumstances in which the bhatta was not paid. The civil application is allowed and the order of dismissal dated 26 August 2011 is recalled and set aside and the petition is restored to file.

2 Civil Application No.1827 of 2013 seeks stay of the execution of a Recovery Certificate dated 26 July 2013 passed by the Tahsildar in the proceedings arising out of Writ Petition No.10021 of 2010. In the original petition, namely, Writ Petition No.10021 of 2010, at the time of issuance of rule, there was

an interim order in terms of prayer clause (b), which stayed the implementation of the original order dated 31 March 2010, in pursuance of which the impugned Recovery Certificate was issued. Since the petition, namely, Writ Petition No.10021 of 2010, is restored to file along with the interim relief granted in the petition, the civil application for stay of implementation of the Recovery Certificate will have to be allowed. Accordingly, the civil application is allowed in terms of prayer clause (a).

3 Writ Petition No.10021 of 2010 along with Writ Petition No.4475 of 2000 to come up for final hearing on 4 August 2016.

(S.C. Gupte, J.)