

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.93 OF 2016
IN
WRIT PETITION NO.11344 OF 2014

M/s.Centronics

Applicant

versus

The Goa Hindu Association and others

Respondents

Mr.A.A.Pandey i/by Mr.Ashok Pandey for Applicant.

Mr.N.V.Moye for Respondents 1,2,5,6,8 to 14, 16 & 17.

CORAM : M.S.SONAK, J.

DATE : 14 January 2016

PC :

1. Heard learned counsel for the parties. By this Civil application, the Applicant seeks extension of time to comply with the directions contained in order dated 27 October 2015. The order dated 27 October 2015 had required the Applicant to pay/deposit within a period of four weeks, certain amounts, which worked out to Rs.1,60,400/-. The period of four weeks expired on or about 22 November 2015. The Applicant in this application has stated that there were genuine difficulties in the matter of compliance with the directions. The Applicant had pointed out that he had to undergo a by-pass surgery earlier, and as a result of which there was some deterioration in the

Applicant's health. The Applicant has stated that if the extension is granted, the Applicant will deposit the amount within 24 hours of the passing of the order.

2. The learned counsel for the Respondents submits that there is no justification for the delay and in any case, the order dated 27 October 2015 was a self operative order.

3. Taking into consideration the difficulties expressed by the Applicant, some indulgence can be shown to the Applicant, subject, however, to the payment of additional costs. By virtue of the order dated 27 October 2015, the Applicant continues in the suit premises. By the said order, the main proceedings were directed to be disposed of expeditiously within a period of six months. For the reasons attributable to the Applicant, this period will have also to be extended. Therefore, though some indulgence can be shown to the Applicant, the same cannot be entirely to the cost and prejudice to the Respondents. Therefore, extension of time shall be subject to the Applicant paying additional costs of Rs.20,000/-.

4. Therefore, if the Applicant, on or before 28 January 2016, pays/deposits Rs.1,80,400/- (Rs.One lakh eighty thousand four hundred only), the Applicant shall be entitled to the benefit of the order dated 27 October 2015. The appeal Court shall then dispose of the Appeal No.29 of 2011 in RAE

Suit No.93/161/2001 as expeditiously as possible and in any case within a period of four months from the date of such payment/deposit. However, if there is no compliance and the amount of Rs.1,80,400/- is not paid/deposited on or before 28 January 2016, then the present Civil Application shall be deemed to have been dismissed.

5. The Respondents shall be entitled to withdraw the amount of costs of Rs.45,000/-. However, the Respondents are also granted liberty to withdraw, without prejudice to the rights and contentions of the Applicant, the compensation amount @ Rs.3,000/- per month, which the Applicant is required to deposit before the Appellate Court.

6. The Civil Application No.93 of 2016 stands disposed of in the above terms.

(M.S.SONAK, J.)

MST