

-IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 1402 OF 2015

Gulabchand s/o Fakirchand Gandhi,
deceased through legal representatives:

1. Kiran Gulabchand Gandhi and ors. .. Petitioners

versus

Smt. Indubai Pundlik Jape and ors. .. Respondents

Mr. Uday S. Malte, Advocate, for petitioners

Mr. P. B. Shirsath, Advocate for respondents no. 1A to 1D, 2 and 3

CORAM : SUNIL P. DESHMUKH, J.

DATE : 5th April, 2017

ORDER :

1. In view of order passed today allowing writ petition no. 11584 of 2016 whereunder application for restoration of regular civil appeal no. 47 of 2011 has been revived by granting application for condoning delay bearing No. 49 of 2014, it would be expedient that order passed by this court in this writ petition on 13-02-2015 granting interim relief which has been continued from time to time shall be operative during pendency of the restoration application. As such, order passed in writ petition no. 1402 of 2015 dated 13-02-2015 to remain in operation during pendency of restoration application and in case restoration application is allowed, till disposal of regular civil appeal bearing no. 47 of 2011.

2. Amount of Rs.20,000/- deposited in this court pursuant to order dated 13-02-2015 passed in present writ petition [no. 1402 of 2014] however, shall be remitted to the appellate court at Kopargaon pursuant to order in writ petition no 11584 of 2016 passed today. Said amount shall be appropriated towards costs and be paid to respondents – plaintiffs as stated in order in writ petition no. 11584 of 2016.

3. With aforesaid observations, present writ petition stands disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd