

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.8239/2017

927 CIVIL APPLICATION NO. 8239/2017 IN FA/4276/2016

SAMBHAJI PANDITRAO SURYAWANSHI
VERSUS
SAVITRA PRAKASH GAIKWAD AND ANR

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Advocate for Applicants : Mr.Kadarale Nitin S
Mr. Ravindra Borle, Adv., h/f Mr. U S Malte, Adv., for respondent
no.2.

Mr. S.V.Suryawanshi, Adv., h/f Mr. Santosh S Patil, Adv., for
respondent no.1.

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CORAM : P.R. BORA, J.
Dated: June 29, 2017

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PER COURT :-

1. The applicant is seeking modification in the order passed by this Court on 6.12.2016, whereby the applicant was directed by this Court to deposit the entire amount under the award with interest thereon and subject to deposit of the said amount, the execution of the impugned award was stayed by this Court.

2. Admittedly, the applicant has not deposited any amount under the said award. Learned Counsel appearing for the applicant has now come out with a contention that the appellant is a poor Rickshaw owner and is unable to arrange for huge amount under the award and also interest accrued thereon. Learned Counsel further submitted that the appellant has tried hard for collecting money by all sources, however, he did collect only a sum of Rs.2,00,000/- (Rs. two lakhs) out of which an amount of

agp/-

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Rs.1,00,000/- (Rs. one lakh) is deposited by him in the companion matter before this Court and appellant is ready to deposit amount of Rs.1,00,000/- (Rs. one lakh) in this Court. Learned Counsel submitted that the appellant has a very good case on merits. Learned Counsel further submitted that he is ready to argue the appeal finally on the next date which may be fixed for the said purpose.

3. Learned Counsel appearing for the claimants has opposed for any modification, however, learned Counsel has also shown his readiness for arguing the matter finally without asking for any adjournment.

4. After having considered the submissions so made, it appears to me that the ends of justice would be met if the appellant / applicant is presently permitted to deposit a sum of Rs.1,00,000/- (Rs. one lakh) before this Court during the course of the day or latest by tomorrow and the time for deposit of further amount is extended by three months instead of modifying the order. Hopefully by that time, the appeal is likely be disposed of.

With the observations as above, the Civil Application stands disposed of.

(P.R. BORA, J.)

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