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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.13404 OF 2017  
IN  
SECOND APPEAL NO.74 OF 1999**

Uttam s/o Chandrya Kale ..APPLICANT

VERSUS

Madhukar s/o Laxman Bagde  
and ors. ..RESPONDENTS

Mr Milind M. Patil (Beedkar), Advocate for applicant;  
Mr N.B. Khandare, Advocate for respondents no.1 to 3;  
Mr C.V. Thombre, Advocate for respondent no.4

**CORAM : NITIN W. SAMBRE, J.**

**DATE : 29<sup>th</sup> November, 2017**

**ORAL ORDER:**

This application is for extension of time to deposit the amount as ordered by this Court while granting stay to the execution. Admittedly, the applicant-appellant has not deposited the amount as ordered from 2008 onwards, pursuant to the order dated 27<sup>th</sup> April, 2005.

2. Mr Patil, learned Counsel appearing on behalf of the applicant, upon instructions, submits that amount of Rs.45,000/- would be deposited in this Court within a period of one week from today.

3. Without adjudicating the rights of the parties, it is directed that amount of Rs.45,000/-, if deposited by the applicant within a period of one week from today, be accepted.

(2)

4. Since the applicant has delayed deposit of the amount for nine years, he shall deposit amount of fine/penalty of Rs.20,000/- within a period of four weeks thereafter.

5. Single default in deposit of amount as ordered herein above including penalty within the time stipulated shall result in automatic vacation of the interim relief and respondents no.1 & 2-original plaintiffs would be at liberty to execute the warrant of possession.

6. It is made clear that no further extension in the matter would be granted. The interim stay ordered by this Court on 27<sup>th</sup> April, 2005 shall operate till 11<sup>th</sup> January, 2018, the date on which the matter is fixed for final hearing.

7. Civil Application stands disposed of accordingly.

8. Authenticated copy of this order be supplied to the parties.

**(NITIN W. SAMBRE, J.)**

amj