

*Sequeira*

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

***WRIT PETITION (Stamp) NO. 5378 OF 2017***

Noorjahan wd/o Shri Mohammed

Saeed Shaikh @ Khan.

.. Petitioner

Vs

Smt.Niyamathi Mohammed Attar.

.. Respondent

Mr.G.S.Godbole a/w Tushar Dahibawkar i/b Dahibawkar & Co., for  
the Petitioner.

Mr.Kunal Bhanage, for the Respondent.

***Coram : N.M.Jamdar, J.***

***Date : 24 March 2017.***

***P.C. :***

Not on board. Taken on production board by way of  
praecipe.

2. Heard learned counsel for the parties. The learned  
counsel for the Petitioner submits that the Petitioner is not able to  
deposit compensation as directed by Appellate Bench in view of her  
financial condition, for which reliance is placed on the salary  
certificate. The learned counsel for the Respondent, on instructions,  
fairly states that if the Petitioner makes a statement that appeal will  
be diligently prosecuted and needless adjournments are not

sought, then the Respondent is not averse to waive off the amount of compensation.

3. In view of this stand of the learned counsel for the Respondent on instructions, the impugned order passed by the Appellate Bench of Small Causes Court, to the effect of depositing the compensation at the rate of ₹ 2,500 is quashed and set aside. The Petitioner will file an affidavit / undertaking to the Appellate Bench of Small Causes Court within period of two weeks, stating that the Petitioner will cooperate for early disposal of the Appeal and will not seek adjournment unless absolutely necessary. The Appellate Bench of the Small Causes Court, in view of the stand taken by the Respondent would consider the request for expediting the appeal favourably, if there are no other time bound commitments.

*(N.M.Jamdar, J.)*