

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1369 OF 2017
IN
WRIT PETITION NO. 3144 OF 2015

Smt. Manubai B. Dudhyal and ors. .. Applicants/Org.
Petitioners.

vs.

Smt. Surekha D. Nirgude
(since deceased through
Anirudh D. Nirgude and ors.) .. Respondents

WITH

CIVIL APPLICATION NO. 739 OF 2017
IN

WRIT PETITION NO. 3144 OF 2015

Somnath R. Samal and ors. .. Applicants
(Org. Respondent Nos.7 to 11)

In the matter between

Smt. Manubai B. Dudhyal and ors. .. Applicants/Org.
Petitioners.

vs.

Smt. Surekha D. Nirgude
(since deceased through
Anirudh D. Nirgude and ors.) .. Respondents

Mr. Niranjan P. Shimpi for the Applicants/Org. Petitioners in CAW
1369 of 2017.

Mr. I.M. Khairdi for the Applicants/org. Respondent Nos.7 to 11 in
CAW 739 of 2017 and for Respondent Nos.7 to 11 in CAW 1369 of
2017.

CORAM : M. S. SONAK, J.

DATE : 28 AUGUST 2017.

P.C. :-

1] Civil Application No. 1369 of 2017 seeks for extension of two
months time to deposit arrears of compensation. This application
was filed on 21st October 2016.

2] Upon query as to whether the applicants will now deposit all the arrears immediately or at least within reasonable time, learned counsel for the applicants states that the applicants are not in a position to deposit the arrears as the applicants' economic position had suffered badly post demonetization. If this is the position, then there is no point in extending the period for depositing the arrears by two months.

3] Besides, learned counsel for respondent Nos. 7 to 11 points out that the reason now stated across the Bar is far from genuine. He points out that the applicants filed special leave petition before the Hon'ble Supreme Court against the order dated 20th April 2016 and the factum of such filing or its dismissal has been suppressed. He submits that this should be an additional reason for declining any relief to the applicants. Since, the applicants state that they are not in a position to deposit the arrears, this civil application is dismissed. As a result, it is clarified that the interim order granted earlier stands vacated.

4] In view of the order made above, there is no necessity of making any separate orders in Civil Application No. 739 of 2017, which is also disposed of in the aforesaid terms.

(M. S. SONAK, J.)