

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12324 OF 2017

Amol Shashikant Ahirrao

..Petitioner

versus

Chabillal Namdev Sonawane

..Respondent

Mr. Vishal Tambat for Petitioner.

Mr. Amit Karande for Respondent.

CORAM: M.S. SONAK, J.

DATE : 21 NOVEMBER 2017

P. C. :

1] After this matter was argued for some time, the learned counsel for the parties, on basis of instructions from their respective clients state that the matter can be disposed of with the following agreed order :

(A) The petitioner will pay an amount of Rs.35,000/- (Rupees Thirty Five Thousand) by way of costs to the respondent within a period of two weeks from today. The costs may either be directly paid to the respondent or deposited before the trial Court so that the respondent can unconditionally withdraw the same;

(B) The petitioner is at liberty to effect payment of costs by a demand draft or a bank draft;

(C) If the amount of costs are indeed paid or deposited within two weeks from today, the impugned order dated 3rd February 2016 shall stand set aside and the delay in filing application seeking leave to defend shall stand condoned. If however, the amount of costs are not paid or deposited within two weeks from today, this petition shall be deemed to have been dismissed without any further reference to this Court;

(D) If, the amount of costs are paid / deposited within two weeks from today, the trial Judge is directed to decide the petitioner's application seeking leave to defend as expeditiously as possible but in any case not later than eight weeks from today;

2] This Court has not adverted to the merits of the matter and the same are left to the learned trial Judge to determine.

3] All contentions of all parties therefore left open.

4] All concerned to act on basis of authenticated copy of this order.

5] Petition is disposed of in the aforesaid agreed terms.

(M. S. SONAK, J.)