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

WRIT PETITION NO.3573 OF 2015

Sharad Radhaji Dhongde

...Petitioner

Versus

Bhanudas H. Palwe and Ors.

...Respondents

Mr.Sanjay Shinde for the Petitioner.

Mr.R.D.Soni i/b M/s.Ram & Co., for Respondent No.19.

Mrs.M.P.Thakur, A.G.P for Respondent Nos.2 to 4 and 20.

Mr.V.R.Kasle, for Respondent Nos.5 to 18.

***CORAM : DR. MANJULA CHELLUR, C.J. &
M. S. SONAK, J.***

DATE : 30th NOVEMBER, 2017

P.C. :

1. The petitioner inspite of granting several adjournments has not complied with the direction to show his bonafides by depositing the amount as directed by us. On the other hand, learned counsel for the petitioner tries to convince us to dispose of the matter on merits.

2. We decline to heed to the said request, for the simple reason that the petitioner who entered into Agreement of Sale with the owner of the property for a meagre amount of Rs.12 lakhs in the year 2008 has not performed his part of the contract. On the other hand, he has approached this Court complaining non-compliance of procedure. If any right has accrued to the petitioner under the Agreement of Sale, he is at liberty to perceive the remedy in the Civil Court, in accordance with the procedure contemplated. In order to consider him as a person belonging to Adivasi community coming forward to purchase the property, in the background of the things, we directed him to deposit amount indicated in the earlier orders to prove his bonafides.

3. The petitioner has totally failed to prove his bonafides. Therefore, we are of the opinion that the petition deserves to be dismissed. Accordingly, the writ petition is dismissed.

M. S. SONAK, J.

CHIEF JUSTICE