

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

SECOND APPEAL NO.554 OF 2008

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Seth i/b Ms.Pooja V. Thorat for the appellant

Mr.P.P.Kulkarni for the respondents

CORAM : K. K. TATED, J.

DATE : DECEMBER 18, 2017

P.C.:

1. Heard.
2. Advocate for the appellant seeks some time. Same is strongly opposed by the other side.
3. Advocate for the Respondent submits that the matter was dismissed for non-prosecution thrice. He submits that this court by order dated 15.9.2017 in Civil Application No.1200 of 2017 imposed cost. He further submits that on each occasion, appellant is seeking time on the ground that they want to settle the matter. He submits that neither appellants advocate nor appellant approached for settlement. Considering these facts, oral application for adjournment made by the appellant is rejected.
4. The learned counsel for the appellant

submits that if matter is not adjourned, irreparable loss will be caused to the appellant.

5. Considering these facts, on payment of cost of Rs.55,000/- to the Respondent nos.1 and 2 original plaintiff, last adjournment is granted. Hence, following order is passed:

- a) Matter is adjourned at the request of advocate for appellant to 15.1.2018.
- b) Appellant to pay cost of Rs.55,000/- either to respondent nos.1 and 2 or their advocate and or deposit in the Registry of this court on or before 6.1.2018, failing which the Second Appeal shall stand dismissed without further reference to the court.
- c) If cost is deposited in Registry, then respondent nos.1 and 2 are entitled to withdraw the same without furnishing any security.
- d) Stand over to 15.1.2018.

(K.K.TATED, J.)