

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1810/2013 WITH 1811/2013

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. Vachan Bodke i/b. M/s. Chitnis Vaithy & Co. for the Petitioner

Ms. Shital Mane for the Respondent No.1

Ms. Jyoti Chavan, AGP for respondent No.2.

CORAM : K. K. TATED, J.

DATE : MARCH 15, 2017

P.C.:

1. Heard. By these petitions, the petitioners challenge the orders passed by the Small Causes Court in Municipal Appeal rejecting the petitioner's application for exemption to deposit amount as per section 217(2)(d) of the Mumbai Municipal Corporation Act, 1888.

2. In Writ Petition No.1810/2013, the Small Causes Court passed order dated 16.03.2013 below Exhibit- 8 in Municipal Appeal (ST) No.1170/2011 directing the petitioner to deposit sum of Rs.1,41,52,137/- with the respondent Corporation within a period of two months from the date of

order. If the petitioner fails to deposit the amount within stipulated time the appeal shall stand dismissed without further reference to the court. The operative part of the order dated 16.03.2013 reads thus:

- “1. The application Exh.8 is allowed.*
- 2. The Appellants are directed to deposit the amount of Rs.1,41,52,137/- (Rs. One Crore Forty One Lacs Fifty Two Thousand One Hundred Thirty Seven only) with the respondents within the period of two months from the date of this order.*
- 3. If the Appellants fail to deposit the aforesaid amount within stipulated period, the appeal shall stand dismissed without further reference to this court.*
- 4. Exhibit 8 stands disposed of.*
- 5. No order as to costs.”*

3. In Writ Petition No.1811/2013, the petitioner challenges the order dated 16.03.2013 passed by the Small Causes Court, Mumbai below Exhibit- 8 in Municipal Appeal (ST) No.1442/2011 directing the petitioner to deposit sum of Rs.1,41,52,137/- in compliance of section 217(2) (d) of the Mumbai Municipal Corporation Act, 1888 within two months from the from the date of order, failing which the appeal shall stand dismissed without further reference to the court.

The operative part of the order dated 16.03.2013 reads thus:

“1. The application Exh.8 is allowed.

2. The Appellants are directed to deposit the amount of Rs.1,41,52,137/- (Rs. One Crore Forty One Lacs Fifty Two Thousand One Hundred Thirty Seven only) with the respondents within the period of two months from the date of this order.

3. If the Appellants fail to deposit the aforesaid amount within stipulated period, the appeal shall stand dismissed without further reference to this court.

4. Exhibit 8 stands disposed of.

5. No order as to costs.”

4. The learned counsel for the petitioner submits that neither they deposited the said amount in the Small Causes Court nor any interim relief was granted in the Writ Petitions.

5. Considering these facts and as the impugned orders were conditional, nothing survives in the Writ Petitions for non compliance of the said orders. Hence, both the Writ Petitions stands rejected.

JUDGE