

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3100 OF 2018
(Mukunddas Bansilalji Soni vs. M/s Kashinath Vyankatrao Phutane
Firm, through its Proprietor)

Mr.M.M.Patil (Beedkar), Advocate for the petitioner.
Mr.P.N.Sonpethkar, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 22/10/2018

PER COURT :

1. On 27/03/2018, the following order was passed :-

“1 The Petitioner/ original Plaintiff is aggrieved by the interim order dated 29.01.2018 passed by the Appellate Court below application Exhibit-5 in RCA No.70/2017.

2 The grievance of the Petitioner is that after Special Civil Suit No.32/2018 was decreed and the Defendant was directed to deliver the vacant possession of the suit property within three months and also pay Rs.14,61,672/- towards arrears of rent with 15% interest prior to the institution of the suit, Rs.29,78,304/- towards rent amount with interest at the rate of 15% during the pendency of the suit and Rs.44,430/- towards deficit court fees, the Appellate Court has directed the Defendant to deposit rent of Rs.4005/- only per month from October, 2010 till February, 2018.

3 *Issue notice to the Respondent returnable on 03.05.2018.*

4 *Copies of the petition paper book for issuance of notices*
shall be supplied on or before 05.04.2018, failing which, this petition
shall stand dismissed without reference to the Court on 06.04.2018.

5 *It is made clear that this matter is likely to be considered*
for final disposal on the returnable date.”

2. Learned Advocate for the respondent submits that as charges have already been deposited before the Appellate Court, the paper book would be ready within 30 days from today.

3. Considering the issue involved, I find that it would practically amount to hearing the appeal in this matter. Instead, ends of justice would be met by expediting the appeal pending before the Appellate Court.

4. As such, this petition is disposed of. The Appellate Court shall decide RCA No.70/2017 as expeditiously as possible and in any case, on or before 28/02/2019.

(Ravindra V.Ghuge, J.)