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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5982 OF 2018
IN
APPEAL FROM ORDER NO.27 OF 2018

Zilla Parishad, Aurangabad through its
Chief Executive Officer

APPLICANT

VERSUS

M/s T. A. Chopada Engineer and Contractors

RESPONDENT

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Mr. P. S. Pawar, Advocate for the applicant
Mr. V. R. Mundada, Advocate for the respondent

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 4th MAY, 2018

ORDER :

1. Heard learned advocates for the parties.
2. This is an application moved for seeking extension of time for depositing costs pursuant to order dated 26th March, 2018 passed in Appeal From Order No. 27 of 2018, whereunder the appellate court was to hear and dispose of Regular Civil Appeal No. 145 of 2012 by 30th April, 2018, expecting that there would be due compliance of the directions issued under order dated 26th March, 2018.
3. Learned advocate for the applicant submits that while the

order had been passed on 26th March, 2018, financial year had been at the closing stages and in the circumstances, no arrangement could be made for depositing costs within the stipulated period. He, therefore, seeks indulgence to extend period for making deposit submitting that now cheque of the amount of costs is ready to be deposited.

4. Mr. Mundada, learned advocate appearing for the respondent, however, emphatically submits that the applicant has been all through very casual and callous in conducting the matter as had been submitted then which now is getting glaringly reflected. Despite a stern order having been passed on 26th March, 2018, conduct of the applicant has not been improved. He submits that the conduct had also to be judged from subsequent event, since pursuant to order dated 26th March, 2018 no appearance on behalf of the applicant had been caused before the appellate court on the stipulated date. He submits that although reference is being made about writ having not been received by appellate court by 4th April, 2018, yet, downloaded copy of the order had been very much made available by the respondent herein. He, in the circumstances, submits that no indulgence be given to the request being made under the application or if indulgence is being shown, further

costs be imposed.

5. Taking into account that the applicant being Zilla Parishad, may have faced certain difficulties in depositing the amount, as such, due will have to be given to the contention of the applicant and since costs are now being said to be ready to be paid, it would be expedient to allow the application.

6. Costs as directed under order dated 26th March, 2018 passed in Appeal From Order No. 27 of 2018 be deposited by 15th May, 2018. Parties shall remain present before the court on 4th June, 2018 and abide by the schedule of the appellate court. Appellate court may proceed with the appeal expeditiously and dispose of the same preferably by 15th June, 2018. Accordingly, time to pay costs as well as time for appearance and disposal of appeal stands extended. Civil application stands disposed of.

7. The payment be tendered on or before 4th June, 2018, if cheque cannot be accepted by 15th May, 2018 on account of vacations to district court.

[SUNIL P. DESHMUKH, J.]