

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.368 OF 2018
IN
SECOND APPEAL NO. 691 OF 2017
WITH
SECOND APPEAL NO.691 OF 2017
WITH
CIVIL APPLICATION NO.13262 OF 2017
IN SA/691/2017

GOKARNA ATMARAM GADE
VERSUS
GANGUBAI VISHWANATH GHOLAVE

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Advocate for the Applicant : Shri D.G.Nagode.

Advocate for the Respondent : Smt.R.R.Mane.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th January, 2018

Per Court:

1 By this Civil Application No.368/2018, the Applicant/ original Appellant prays for extension of time to deposit the interest over the amount of Rs.1 lac as per the order of this Court dated 01.11.2017.

2 The learned Advocate for the Respondent does not oppose this application. She, however, submits that the record and proceedings in RCS No.496/2013 and RCA No.37/2016 may be called for.

3 The learned Advocate for the Appellant has no objection.

4 As such, Civil Application No.368/2018 is allowed. Interim

protection granted by this Court by order dated 01.11.2017 shall stand continued only on the condition that the Applicant/ Appellant shall deposit the interest amount within TWO WEEKS from today. After the interest amount is deposited as above, Civil Application No.13262/2017 shall stand disposed of without reference to the Court, in terms of the order dated 01.11.2017.

5 The learned Advocates for the respective sides submit that the Second Appeal can be heard finally at admission stage.

6 As such, Second Appeal No.691/2017 be listed for admission on 15.02.2018. In the meanwhile, the record and proceedings from the Court of the learned Civil Judge Junior Division, Vashi in RCS No.496/2013 decided on 03.05.2016 and from the Court of the learned District Judge, Bhoom in RCA No.37/2016 decided on 16.08.2017 shall be called for.