

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAW] No.2577 of 2018
in
Writ Petition No.2364 of 2018

Smt. Manjushri Prayas Sakhare & another
 vs.
 Mahesh s/o Zangoji Ghotekar & others

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

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Court's or Judge's Orders

Shri S.V. Deshpande, Advocate for the Applicants/Petitioners.
 Shri S.A. Kalbande, Advocate for Respondent No.1.
 Shri B.M. Lonare, Advocate for Respondent No.7.
 Shri P.A. Abhyankar, Advocate for Respondent Nos.8 & 9.

CORAM : S.B. SHUKRE, J.
DATE : 12th OCTOBER, 2018.

Heard the learned Counsel for the petitioners.

Reply filed by respondent No.1 to the
 application is taken on record.

This application is strongly opposed by Shri
 S.A. Kalbande, learned Counsel for respondent No.1 -
 decree holder, Shri P.A. Abhyankar, learned Counsel for
 respondent Nos.8 & 9, who are the formal parties and
 Shri B.M. Lonare, learned Counsel for respondent No.7,
 who is also a formal party.

This application is strongly opposed by the
 learned Counsel for respondent No.1 contending that
 this is noting but an abuse of process of the Court. The
 learned Counsel for the petitioners submits that the
 petitioners are ready to comply with the order of this
 Court passed on 16th July, 2018 by depositing the
 requisite amount today only.

Having considered the submission made on behalf of the petitioners and also the fact that the petitioners are still in possession, as submitted by the learned Counsel for the petitioners, I am of the view that this application can be allowed by imposing some costs upon the petitioners to compensate to the inconvenience caused to respondent No.1.

The application is allowed. The petitioners are directed to deposit the amount as stipulated in the order dated 16th July, 2018 during the course of the day and if this order is complied with during the course of the day, the interim relief granted to the petitioners on 16th July, 2018 shall stand revived and operate until further orders, subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand Only) within two weeks from the date of the order and on such deposit being made, respondent No.1 shall be permitted to withdraw the costs of Rs.10,000/- immediately and if no such deposit of costs within the stipulated time is made, interim relief hereby revived shall stand withdrawn.

JUDGE

**sandesh*