

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

938 WRIT PETITION NO.1002 OF 2019

KAMLESH BAHUBALI GANGAWAL
VERSUS
ABHAYKUMAR PREMSUKHLAL SANCHETI AND ANOTHER
...
AND

939 WRIT PETITION NO.1007 OF 2019

PUNAM CHETAN GANGAWAL
VERSUS
ABHAYKUMAR PREMSUKHLAL SANCHETI

...
Advocate for Petitioner : Mr. Sonavane Narendra D.
Advocate for Respondents :Mr. P.F. Patnie
....

CORAM : **RAVINDRA V. GHUGE, J.**

Date: July 26, 2019

...

PER COURT :-

1 The petitioner, in the first petition, has deposited only Rs.3 lakhs as against the direction of depositing Rs.10 lakhs issued by this Court on 23.1.2019. Secondly, this Court was impressed upon by the Civil Application No.2658/2018 that, the amount of Rs.7 lakhs would also be deposited. In view of such statement, this Court passed an order on 29.3.2018, extending time. Yet Rs.7 lakhs have not been deposited.

2 In the second petition, the petitioner, who is the sister-in-law of the petitioner in the first petition, also enjoyed a similar conditional interim order passed by this Court from January, 2019 and did not deposit a single paisa in this Court.

3 Mr. Patni, learned Advocate appearing on behalf of the decree-holder strenuously contends that, both these petitioners have abused the process of law. They have misrepresented this Court that, they would deposit the amount and enjoyed relief for six months. It is contended that even today, the amounts were not deposited. He, therefore, submits that heavy costs may be imposed on both these petitioners and the petitions be dismissed.

4 The learned Advocate for the petitioners submits that, they are willing to proceed with the appeals, pending before the first Appellate Court and would not press these petitions. It is prayed that costs may not be imposed. The petitioners were helpless and were not in a position to deposit the money.

5 In view of the above, both these petitions are dismissed by imposing costs of Rs.10,000/- in each petition.

6 All the contentions of the litigating sides, before the First Appellate Court are kept open to be considered by the Court on their own merits.

7 Since I quantify the costs of Rs.10,000/- per petition to be recovered from both the petitioners, learned Advocate for the petitioner in the first petition submits that, the said amount of Rs.10,000/- each may be deducted from the amount deposited in this Court. The learned Advocate for the decree holder submits that the said amount may be donated for a social cause.

8 The amount of Rs.2,80,000/- shall be transmitted by the Registrar of this Court to the office of the executing Court in Special Darkhast No.31/2018 before 7th Civil Judge, Senior Division, Aurangabad.

9 As such, the Registrar shall transfer an amount of Rs.20,000/- for the Social Project "Shantivan", Arvi, Tq. Shirur Kasar, District Beed by cheque drawn in the name of "Bhavani Vidhyarthi Kalyan Pratishthan, Arvi") or by way of electronic transfer (State Bank of India, Branch Shirur (Kasar), Account No.33446000963, IFSC Code : SBIN0005995) and shall report compliance of this direction by producing a receipt and the balance of Rs.2,80,000/- to the Executing Court.

(RAVINDRA V. GHUGE, J)