

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7519 OF 2019

LAXMAN SHANKARRAO PAWAR
VERSUS
BHAGWAT SHANKARRAO PAWAR AND OTHERS

Mrs.B.B.Gunjal, Advocate for the petitioner.

Mr.M.B.Kolpe, Advocate for respondent Nos. 1 to 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 11/12/2019

PER COURT :

1. On 28/06/2019, I had passed the following order :-

“1. Learned Advocate submits that this brief is entrusted to her through the High Court Legal Aid Sub Committee, Aurangabad.

2. The petitioner is aggrieved by the impugned order dated 01/09/2018 by which the Superintendent (Technical), District Court, Osmanabad has rejected his application and disallowed him from depositing Rs.500/-, which was a condition precedent vide the earlier order dated 28/03/2018 passed in MA No.125/2014. The delay of 3 months was condoned and the petitioner was permitted to file a cross objection only if Rs.500/- were deposited on or before 10/05/2018. It is informed that the original appeal filed by the respondents has also been

dismissed in default.

3. Issue notice to the respondents, returnable on 09/07/2019.”

2. I have considered the submissions of the learned Advocates for the respective sides. Mr.Kolpe, learned Advocate appearing on behalf of respondent Nos. 1 to 3, who were issued with notice, has strenuously opposed this petition and submits that the petition deserves to be dismissed with costs.

3. The petitioner who is said to be about 60 years of age and is living in abject poverty, has agreed to deposit Rs.1,500/- instead of Rs.500/- as was earlier directed by the Trial Court by order dated 28/03/2018, so as to enable him to file his cross objections.

4. The record reveals that respondent Nos. 1,2 and 3 had also suffered a similar situation earlier and they had also deposited Rs.2,000/- as costs. A house property is at issue. The cross objections have already been filed on record.

5. In view of the above, this petition is allowed. The impugned order dated 01/09/2018 is quashed and set aside on the condition

that the petitioner shall deposit an amount of Rs.1,500/- in RCA No.178/2007, on or before 15/01/2020, failing which, the cross objections shall be filed and shall not be considered in the said proceedings.

6. Since the appeal is of 2007 and pending for 12 years, the learned Appellate Court shall decide the said proceedings as expeditiously as possible and in any case on or before 31/03/2020. The appeal paper book, if not ready, shall be submitted privately by the appellants on or before 31/01/2020.

7. The appellant graciously donates the amount of costs of Rs.1,500/- (Rs.One thousand and five hundred only) to the District Legal Aid Committee, Osmanabad.

(Ravindra V.Ghuge, J.)