

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

953 CIVIL APPLICATION NO.10089 OF 2019
IN SAST/28721/2018 WITH CA/11770/2018 IN SAST/28721/2018

SUBHASH PANDHARINATH SATHE AND OTHERS
VERSUS
DWARAKABAI MOHAN BORUDE

...

Advocate for Applicants : Shri Sachin Salgare h/f Shri
Gaware Niteen V.

Advocate for Respondent nos.1A & 1B : Shri U.U. Wagh

CORAM: V.L. ACHLIYA, J.

DATE: 30.08.2019

PER COURT :

1] Heard learned counsel for the applicants and
respondent nos.1A and 1B.

2] This application is filed seeking extension of time
to deposit the amount with direction to office to accept
the amount.

3] It is submitted that vide order dated 26.4.2019,
delay in filing appeal was condoned subject to deposit of
costs of Rs.10,000/-, however, the costs could not be
deposited within the stipulated time. After making
arrangement to deposit the amount, the applicants have
approached for depositing the amount since the time to

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deposit the amount had expired and office did not accept the amount. In this background, the learned counsel submits that the time to deposit the amount be extended.

4] Learned counsel for the respondent nos.1A and 1B opposed the application with contention that the order passed to condone the delay was conditional order and failure to deposit the amount within time, the order stands recalled. He submits that there is no proper justification given for not complying the order within stipulated time.

5] Having regard to overall facts of the case and serious consequences to follow if time to deposit amount is not extended, I am inclined to allow the application subject to imposition of additional costs of Rs.5,000/- to be payable by the applicants to respondents.

6] The time to deposit the costs of Rs.10,000/- is extended till 10.9.2019. The amount as directed vide order dated 26.4.2019 as well as additional costs of Rs.5,000/- be deposited on or before 10.9.2019 in this Court. On failure to deposit these amounts before 10.9.2019, the order extending time to deposit the amount shall stand recalled and the application filed seeking

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condonation of delay shall be treated as rejected. In case, total costs of Rs.15,000/- is deposited, appeal be registered and placed for admission on 24.9.2019. Interim relief, if any operating, to remain in operation till 24.9.2019 subject to compliance of this order on or before 10.9.2019. The respondents are granted liberty to withdraw the aforesaid deposited amount.

7] Civil application is disposed of in above terms.

8] All concerned to act upon authenticated copy of the order.

(V.L. ACHLIYA, J.)