

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7158 OF 2015

Maharashtra State Electricity Distribution
Company Limited .. Petitioner

V/s.

Jaiprakash Strips Limited and Anr. .. Respondents

Mr.Kiran Gandhi I/b M/s.Little and Co. for the petitioner

Mr.Sachin D. Kadam for the respondent no.1

CORAM: K.K. TATED, J.

DATED : JANUARY 4, 2019

P.C. :

1 Heard.

2 By this petition under Article 227 of the Constitution of India, the Petitioner challenges the order dated 22.01.2015 passed by Ex.Jt. Ad-hoc District Judge, Nashik in Review Application No.3 of 2015.

3 The learned counsel for the Petitioner submits that by this impugned order dated 22.01.2015, Trial Court directed Respondent to deposit amount of Rs.80 lakhs in six equal instalments, each payable on or before 15th day of each month. He

submits that neither Respondent complied the said order nor filed any appropriate Application. Not only that during the pendency of the present Writ Petition, Regular Civil Suit No. 455 of 2012 stands dismissed for non-prosecution on 15.10.2015. He placed on record copy of the said order. Same is taken on record and marked 'X' for identification.

4 In view of subsequent development that suit itself stands dismissed and as Respondent original plaintiff failed to comply the order dated 22.01.2015, it is necessary to set aside the order dated 22.01.2015 with liberty to Petitioner to take appropriate action against the Respondent according to law. Hence, following order is passed:

a) Writ Petition stands disposed of as infructuous in view of disposal of Regular Civil Suit No. 455 of 2012 by order dated 15.10.2015 passed by Joint Civil Judge, Junior Division, Nashik-road .

b) Petitioners are free to take appropriate action against the Respondent for recovery of said amount according to law.

c) No order as to costs.

(K.K. TATED, J.)