

Rane

1/2 CAS-1321-2018 (sr.907)
10.1.2019

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1321 OF 2018

ALONGWITH
CIVIL APPLICATION (ST) NO. 10633 OF 2018
IN
REJECTED CASE NO. 47 OF 2017
IN
SECOND APPEAL (ST) NO. 16853 OF 2016

Rameshchandra Sarju Prasad
Gupta

.....Applicant

V/s.

Ram s/o. Dadaji Gharat and Ors.

....Respondents

* * * *

Ms. Sneha Mishra i/by. Mr. Navin Tiwari, Advocate for the
applicant.

Ms. Anusha Pravin Amin, Advocate for respondents no.1 to
4 and 7.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 10th January, 2019.

P.C. :

1. Heard learned Counsel for the parties.
2. Perused the order dated 3rd December, 2018 passed in Civil Application No. 1321 of 2018. Vide this Application, the applicant sought to condone the delay and for

restoration of appeal which was dismissed on 29th September, 2016. The Applicant was directed to pay cost of Rs.10,000/- to the contesting respondents as a condition precedent.

3. On 7th January, 2019 the learned Advocate for the applicant submitted that Rs.10,000/- was paid by money order. The applicant was directed to file an Affidavit. Today, the affidavit of Rameshchandra Sarju Prasad is filed wherein he stated that Rs.10,000/- was paid on 11th December, 2018. However, receipts are not placed on record. Respondent no.1, Ram Dadaji Gharat is present in Court. Learned Counsel for the respondent states that, respondent has not received Rs.10,000/- till date. In view of this fact, the applicant has not complied with the order passed by this Court on 3rd December, 2018. The Civil Application is therefore dismissed.

4. Civil Application (St) No. 10633 of 2018 taken out for condonation of delay also does not survive. The same also stands disposed of.

(SANDEEP K. SHINDE, J)