

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

WRIT PETITION NO. 5965 OF 1996

Balkrishna Prabhakar Nakhate

.. Petitioner

Vs.

Pandurang Baburao Tupe

& Ors.

.. Respondents

None for petitioner.

Ms.Sapna Krishnappa I/b Mr.Suresh Dubey, Advocate for respondent No.1.

CORAM : N.J. JAMADAR, J.

DATE : 4TH APRIL 2019

P.C.

1. Perused the judgment dated 20th July 2018 passed by the learned Single of this Court dismissing the instant writ petition. However, the interim order which was passed on 6th December 1996 was directed to remain in force for a period of eight weeks from the date of the order, subject to certain conditions. Paragraphs 30 and 31 of the said judgment read as under :-

“30. In view thereof, notwithstanding dismissal of Writ Petition, the interim order dated 6.12.1996 passed by this Court shall remain in force for a period of eight weeks from today, subject to the petitioners filing undertaking in the aforesaid terms within three weeks from today, with copy in advance to the other side. In case the petitioners do not file undertaking in the above terms and/or arrears of rent are not paid within three weeks from today, the interim order shall stand vacated without further reference to the Court.

31. List the petition for reporting compliance on 24.8.2018.”

2. It appears that pursuant to the aforesaid directions, the petition was listed before the learned Single Judge on 24th August 2018. None appeared for the petitioner before the Court on that day. The petition was directed to be listed on 31st August 2018.

3. The learned counsel for respondent No.1 submits that the petitioner has not complied with the aforesaid conditions, subject to which the interim order dated 6th March 1996 was continued for a period of eight weeks.

4. The aforesaid order is self-operative. The registry to examine whether the petition is required to be again listed before the Court or the proceedings stood closed in terms of the aforesaid order, and take appropriate steps accordingly.

[N.J. JAMADAR, J.]