

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 979 OF 2019
WITH
CIVIL APPLICATION NO. 2543 OF 2018

Manik S. Bhadange

.. Petitioner

vs.

Shri.Gorakshan Panjarpol
Sanstha and ors.

.. Respondents

Mr. Vaibhav R. Gaikwad for the Petitioner.

Mr. Sachindra Shetye I/b Ms Priyanka H. Chavan for
Respondent Nos.1A to 1E and 1G.

CORAM : M. S. SONAK, J.

DATE : 8 APRIL 2019.

P.C. :-

1] Heard Mr. Vaibhav Gaikwad for the petitioner and
Mr.Sachindra Shetye for the respondents.

2] As against the impugned order, an appeal lies under
Order 43 Rule 1(t) of the CPC. However, considering the issue
involved and the order which is proposed to be made by
consent, the present petition is entertained.

3] The impugned order dated 17th August 2018 by which
learned Appeal Court has refused to readmit the appeal
which came to be dismissed for default is hereby set aside
subject to payment of costs of Rs.50,000/- by the petitioner

within a period of four weeks from today. If the amount of costs are indeed paid to the respondents or deposited with the Appeal Court within four weeks from today, only then the impugned order shall stand set aside. If there is default in deposit of costs, then this petition shall be deemed to have been dismissed with costs of Rs.10,000/- without further any reference to this Court.

4] If the amount of costs as aforesaid are indeed paid or deposited within four weeks from today and the appeal consequently stands restored, then learned Appeal Court is directed to dispose of the appeal as expeditiously as possible but in any case by 14th August 2019. Both parties assure this Court that they will not seek any unnecessary adjournments, in particular, Mr. Gaikwad on behalf of the appellant assures this Court that no unnecessary adjournment will be applied for.

5] The petition is disposed of in the aforesaid terms.

6] If the appeal is restored, then pending appeal, both parties to maintain *status quo*.

7] Both the parties to appear before the Appeal Court on 3rd June 2019 at 11.00 a.m., if costs are paid by 8th May 2019. It is made clear that since this order is made by consent, there will be no question of seeking any extension of time for payment of costs.

8] All concerned to act on the basis of authenticated copy of this order.

9] Civil Application does not survive and the same is hereby disposed of.

(M. S. SONAK, J.)