

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

CIVIL APPLICATION NO. 2109 OF 2019

IN

WRIT PETITION NO. 13266 OF 2018

Mr. Vasant Bhairu Mate & Anr. ...Applicants

Versus

Shri. Rajendra Prabhakar Kudtarkar ...Respondents

R. M. Haridas – Advocate for the applicant

Ms. Rajashri D. Sapale – Advocate for the respondent.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 17th SEPTEMBER 2019.

P.C. :

This Court on 7.2.2019 devised an arrangement, under which the petitioner had to pay amounts to the respondent, within a time frame, in installments. After initial compliance for two months, the petitioner defaulted. Then on his request, this Court passed a revised order on 15.03.2019, rescheduling the repayment. Again, he defaulted. Eventually, on 2.5.2019, this Court passed another order. Nevertheless, the petitioner could not comply with that order, too.

2. In the above factual background, the petitioner counsel fervently pleads that the petitioner is a carpenter and expected

money from the works he has done earlier. So he undertook before the Court that he would comply with the schedule prescribed by the Court. Later because of his inability to secure money from the expected sources, he eventually sold away his property. Now he is ready to pay the remaining Rs. 9,00,000/-. According to him, he has already taken a demand draft for that amount.

3. In response, the respondent's counsel has stressed that the petitioner has repeatedly violated the Court's direction. Despite that, he was given a long rope. At any rate, she has expressed her willingness to receive the amount for the respondent. But she has insisted that the Court should impose costs on the petitioner for his repeatedly violating the Court's orders.

4. From the record, I see, as Exh. B, a photocopy of the demand draft for Rs. 9,00,000/-, drawn on Federal Bank. The petitioner's counsel submits that the petitioner is depositing this demand draft with the Registry today itself.

I therefore, allow this Civil Application No. 2109 of 2019, in the manner indicated above with a cost of Rs. 100/-. I also allow the respondent to receive that amount now being deposited in terms of this Court's order dated 7.02.2019. The Registry will accept the demand draft submitted by the petitioner's counsel.

[DAMA SESHADRI NAIDU, J.]