

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

CIVIL APPLICATION NO.1037 OF 2017

IN

FIRST APPEAL NO.413 OF 2001

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Ms.Aditi Naikare i/b Mr.P.J.Thorat for the applicant

Mr.S.K.Dubey for the respondent nos.1 and 2

**CORAM : K. K. TATED, J
DATE : JULY 22, 2019**

P.C.:

. Heard.

2 The learned counsel for the Applicant submits that by order dated 15.11.1999 passed by this court in Appeal from Order No.843 of 1999, Applicant started depositing sum of Rs.50,000/- each year in the Trial Court. He submits that in the year 2016, inadvertently it remained on his part to deposit the said amount. He submits that thereafter, he tried to

deposit the said amount in the Trial Court but Trial Court refused to accept the same without any order from the court. He further submits that from the year 2017 to 2019, he already deposited sum of Rs.50,000/- in the Trial Court. He submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay in depositing sum of Rs.50,000/- in the Trial Court in the year 2016.

3 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as there is delay on the part of Applicant to deposit said amount of Rs.50,000/- for more than 2 ½ years in Trial Court, they have to pay cost of Rs.5,000/- I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

a) Applicant is permitted to deposit sum of Rs.50,000/- in Trial Court as per order dated 15.9.1999 passed by this court in Appeal from Order No.843 of 1999 with sum of Rs.5,000/- by way of cost for the year 2016 in Trial Court on or before 16.8.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

b) Civil application stands disposed off

accordingly.

Parties to act on authenticated copy of this
order.

(K.K.TATED, J.)