

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

927 CIVIL APPLICATION NO. 14907 OF 2019
IN FA/1225/2010

BHAGIRATH SAHAKARI GRAHNIRMAN SANSTHA THR ITS CHAIRMAN
VERSUS
THE CHIEF ENGINEER CONSTRUCTION DIVISION CENTRAL RAILWAY
AND ANR

...
Advocate for Applicant : Mr. S.V. Gundre, h/f
Mr. Girish N. Kulkarni (Mardikar)
Advocate for Respondent No. 1 : Mr. D.V. Soman
AGP for Respondent No. 2 : Mr. S.P. Deshmukh

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CORAM : K.K. SONAWANE, J.

DATED : 22nd JANUARY, 2020.

ORDER :-

1. Applicant-original claimant moved present application seeking directions to the respondent-Acquiring Body to deposit balance 75% of compensation amount in this Court. Admittedly, Division Bench of this Court while dealing with Civil Application No.9785 of 2009 granted interim relief of stay under order dated 25.09.2009 on condition to deposit 25% of decretal amount in this Court within a period of six weeks. Accordingly, the appellant Acquiring Body deposited 25% of the decretal amount in this Court and same came to be withdrawn by the applicant on 07.05.2010. Thereafter, the applicant preferred Civil Application No.11338 of 2012 seeking directions to deposit balance 75% of the decretal amount in this Court. This Court after hearing both the sides passed the order on 21.02.2014 and observed as under:

"1) Heard. Considering the grounds raised by the original claimant (Respondent in the appeal); age of the appeal, and the appeal already admitted, to be taken up for final hearing on 10th April, 2014. CA for direction to deposit 75% of the amount to the appellant, in the fact situation, is unsustainable, as all these events have been considered while directing earlier to deposit 25% of the amount. CA No.11338/2012 disposed of."

2. It is to be noted that instead of pursuing the appeal for its adjudication on merits since the year 2014, the applicant once again moved the present application for seeking the same directions to the respondent original appellant to deposit remaining 75% balance decretal amount in this Court. The present application came to be filed after colossal period of 5-6 years after passing the aforesaid order by this Court dated 21.02.2014. It would be reiterated that the present proceeding of the appeal has already been admitted and kept for final hearing on merit. It was categorically observed that all the events have already been considered by this Court while directing the appellant Acquiring Body to deposit 25% of the amount. Despite the explicit order passed by this Court in the year 2014, the applicant ventured to move the present application which would amount to abuse of process of law and dissipate the precious time of this Court. The applicant instead of pursuing of matter for its adjudication on merits, made an attempt seeking directions to deposit balance 75% decretal amount in this matter. In view of deliberate conduct and demeanour of the applicant, the circumstances compell this Court to impose monetary fetter on the applicant for consuming the precious time of this Court for passing the present order. There is no reasonable cause for appreciation of the contentions propounded on behalf of the applicant for directions to deposit the balance decretal amount in this Court. In these circumstances, application being devoid of merits deserves to be dismissed on costs.

3. Accordingly, application stands dismissed with costs of Rs.5,000/- to be deposited in the Office of High Court Legal Services Authority, Sub-Committee, Aurangabad till 24.02.2020.

4. Accordingly, application stands disposed of in above terms.

Sd./-

[K. K. SONAWANE]
JUDGE