

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1294 OF 2013

Shakuntalabai Babanrao Yadav and others.

Vs.

Vijaykumar Swarupkumar Bardiya and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N. K. Ambilwade, Advocate for respondent nos.1 and 2.
Shri V. P. Maldhure, AGP for respondent no.3.

CORAM : AVINASH G. GHAROTE, J.

DATE : FEBRUARY 07, 2020.

None appears for the petitioners. Mr. Ambilwade, learned counsel for the respondent nos.1 & 2 and learned Assistant Government Pleader for respondent no.3 are present.

2. On 20.01.2020 this Court had passed the following order.

“The record shows that the petitioners were granted time of five weeks on 29/04/2019 to respond to the application filed by the respondents alleging that the petitioners are not abiding by the direction given by this Court in order dated 28/02/2019 to pay amount of Rs.3,000/- per month to the contesting respondents from March, 2019 onward towards occupation charges.

2. *Despite passage of long period of time, the petitioners have failed to file reply to the said*

application.

3. *Today a statement is made on behalf of the petitioners by the learned counsel appearing for them that the said amount is being paid and that the relevant documents to demonstrate the same shall be placed on record within a period of two weeks along with the an affidavit. Let the said affidavit be filed along with relevant documents within a period of two weeks from today, failing which, the writ petition shall stand dismissed without further reference to the Court.*

4. *List this petition for further consideration on 07/02/2020.”*

3. Today none appears for the petitioner. The record demonstrates, that the documents demonstrating that the amount of Rs.3,000/- per month as directed to be paid in the order dated dated 28.02.2019, towards occupation charges have not been placed on record in spite of statement made by the learned counsel appearing on behalf of the petitioners, as is recorded in Para 3 of the order dated 20.01.2020. The order dated 20.01.2020 further directed that the affidavit be filed along with relevant documents within a period of two weeks, failing which the writ petition shall stand dismissed without further reference to Court and the matter was directed to be listed for further consideration on 07.02.2020.

4. In spite of the expiry of the time granted neither the affidavit nor documents demonstrating payment as directed have been placed on record. In light of the directions as stated in 20.01.2020, the petition therefore stands dismissed. No order as to costs.

JUDGE

Sarkate