

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

WRIT PETITION NO.7680 OF 2019

(Manohar s/o Akaram Nikude Vs. Babarao s/o Rangrao Shende)

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

Court's or Judge's orders.

Shri D.R. Bhoyar, Advocate for Petitioner.
Shri J.R. Kidilay, Advocate for Respondent.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 8th JANUARY, 2020.

1] This matter was extensively heard on 07.01.2020. The extensive submissions of the learned Advocate for the petitioner were considered. With the assistance of the learned Advocates for the respective sides, I had gone through the petition paper book and found that the conditions imposed by the learned Principal, District Judge, Wardha vide the impugned order dated 19.09.2019 in RCA No.69/2019, though equitable, appeared to be slightly harsh.

2] The petitioner was directed to furnish a security of Rs.5 lakhs in the court. According to him, the land at issue is about 3 acres and the price can be about Rs.1 lakh per acre. Besides this condition, the petitioner was directed to deposit Rs.40,000/- per year as occupation charges over a period of three years at Rs.1,20,000/-. He was also directed to pay Rs.40,000/- as occupation charges for the years 2020-2021. He was also directed to deposit Rs.19,805/-

within two months. On this condition, the possession of the petitioner over the suit property was protected. The total liability was about Rs.7 lakhs. I therefore, called upon the petitioner to take instructions as to whether he could tender a security of at least Rs.3 lakhs.

3] The learned Advocate for the petitioner submits today on instructions that it is beyond the economic means of the petitioner to either deposit Rs.3 lakhs or tender a security.

4] Considering the above, the learned Advocate for the petitioner prayed for expediting the appeal. The learned Advocate for the respondent does not oppose.

5] In view of the above, this petition is disposed off. The petitioner, who is the appellant before the Appellate Court, shall submit a private appeal paper book on or before 31.01.2020. Thereafter, the litigating parties would advance their oral submissions on or before 15.02.2020. Written notes of submissions are permitted. Pursuant to these stages, the Appellate Court would close RCA No.69/2019 for judgment and would deliver its judgment on or before 31.03.2020.

(Ravindra V. Ghuge, J.)