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

INTERIM APPLICATION NO. 3392 OF 2021

IN

WRIT PETITION NO. 1702 OF 2020

Suresh Pandit Medankar, through PoA
Prasad S Medeankar

...Applicants

Versus

Subhash Laxman Medankar

...Respondent

Ms. Vrushali L Maindad, for the Applicants.

None for the Respondent.

CORAM: Smt. Bharati Dangre, J.

DATED: 7th December 2021

P.C.:-

1. On 11.02.2021, the impugned order dated 01.11.2019 passed by the 3rd Joint Civil Judge Junior Division, Khed Rajgurunagar was set aside on Miscellaneous Application No. 54 of 2018. The sequence of events would reveal that the present Petitioner who is a Plaintiff had instituted Regular Civil Suit No. 22 of 2008 which was dismissed in default on 03.07.2017. Upon its dismissal, its restoration was sought

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along with an application for condonation of delay which was rejected on 01.11.2019.

Showing indulgence the impugned order was set aside by this Court, subject to payment of costs of Rs. 25,000/- to be deposited in the Trial Court, which the Respondent was held entitled to withdraw. The cost was directed to be deposited within four weeks but since it could not be deposited, the present Interim Application is taken out.

2. Heard the learned Counsel for the Applicant and perused the application.

The reasons which are very peculiar are stated in paragraph 5 of the Application and on this point I am ready to grant some indulgence as the mental condition of the Applicant be accorded due consideration. However, the lapse cannot be taken further. The Applicant is entitled for indulgence but subject to the condition that an additional amount of Rs. 10,000/- shall be deposited along with the amount of rs. 25,000/- as directed by this Court on 11.02.2021.

Consequently, an amount of Rs. 35,000/- is to be deposited in the Trial Court so as to give effect to the order dated 11.02.2021.

- 3.** Needless to state that if this amount is not deposited within the period stipulated, no indulgence shall be granted to the Petitioner at any time in future.
- 4.** The Interim Application is disposed of in these terms.

(Smt. Bharati Dangre, J.)