

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15784 OF 2022**

Shanmuga Konar Subbiah @ S. Subbiah
(since deceased) through legal heirs

1. Nagrajan S. Konar

....Petitioner

Versus

M/s. Mercury Paints and Varnishes Ltd. & ors.

....Respondents

Mr. Kishor Patil i/b. Ms. Vaishnavi M. Gujarathi, Advocate for the
Petitioner.

Ms. Prathibha Shelke, Advocate for the Respondents.

CORAM : S. G. DIGE, J.

DATE : 16th FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. Learned counsel for the petitioner submits that the
petitioner would deposit an amount of Rs.2,50,000/- within four
weeks from today and rest of the amount of Rs.2,50,000/- before the
Appellate Court within twelve weeks thereafter, hence, requested to
allow the writ petition by setting-aside the order dated 1st October,
2022 passed by the Appellate Court.

This order is corrected pursuant to the order dated 24th February 2023.

1/2

3. Considering the submissions of both learned counsel, I pass the following order :

ORDER

1. The writ petition is allowed.
2. The order dated 1st October 2022 passed by the Appellate Court in Marzi Application No.51 of 2022 is quashed and set-aside. The delay of 1146 days for filing the appeal is condoned.
4. The petitioner shall deposit an amount of Rs.2,50,000/- before the Appellate Court within four weeks and the balance amount of Rs.2,50,000/- towards arrears on interim compensation within sixteen weeks from today.
5. The respondents are permitted to withdraw the said amount by filing appropriate application.
6. The learned Appellate Court is requested to expedite the hearing of the appeal and dispose the same as expeditiously as possible within a period of eight (8) months from the date of order.

The writ petition stands disposed of.

(S. G. DIGE, J.)