

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

CIVIL APPLICATION (CAO) NO.98 OF 2020
AND
MISC. CIVIL APPLICATION (ST) NO.1264 OF 2020
IN
WRIT PETITION NO.6466 OF 2016(D)

(MADHUSUDAN SHRIKRISHNA PARDIKAR..VS.. DISTRICT DEPUTY REGISTRAR, COOP.
SOCIETIES, WASHIM & OTH.)

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

Court's or Judge's orders

Shri A.V.Band, Advocate for Petitioner/Applicant
Shri K.L.Dharmadhikari, A.G.P. for Respondent Nos.1,2 & 5.
Shri A. Shelat, Advocate for Respondent No.3.

CORAM : ANIL S. KILOR, J.
DATED : MARCH 01, 2023.

CIVIL APPLN.NO.98/2020.

1. For the reasons stated in the application, the application is allowed. The delay in filing application for review is condoned.

2. The Civil Application stands **disposed of** accordingly.

M.C.A. ST. NO. 1264/2020.

3. Heard.

4. This is an application for review of the order dated 02/12/2019, dismissing the writ petition for non-

compliance of the order dated 01/11/2016 i.e. the undertaking given by the applicant to deposit Rs.1,50,000/- within 10 days from the date of order.

5. It is settled law that to entertain the writ petition there cannot be any condition to deposit an amount. Moreover, the said undertaking was given as a condition for grant of stay and not to entertain the writ petition.

6. In that view of the matter, as it was a condition for grant of stay, the effect for non-deposit of the amount would be that there shall be no stay. However, in any case for the said reason the writ petition cannot be dismissed.

7. Though the learned counsel for the respondent No.3 and the learned A.G.P. are opposing the present review application, I am of the opinion that the application needs to be allowed. Accordingly, I pass the following order:

- i) The Civil Application is allowed.
- ii) The order dated 02/12/2019 is recalled. The writ petition is restored to its file.

The Civil Application stands **disposed of** accordingly. No order as to costs.

W.P. No. 6466/2016.

Place this matter for further consideration/
admission on **15/03/2023**.

JUDGE

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