



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**20 CIVIL APPLICATION NO. 13516 OF 2022
WITH
CIVIL APPLICATION NO. 13517 OF 2022
WITH
FAST/24734/2022**

**NATHU RAKHAMAJI JANGLE
VERSUS
SANJAY DASHARATH GAGRE AND OTHERS**

None for the applicant/appellant.

Mr.Tushar Shinde h/f. Mr. C.K. Shinde, Advocate for respondent Nos.1&2.

**CORAM : KISHORE C. SANT, J.
DATE : 31.07.2024**

PC :-

01. This matter is called out for the second time in the second session, still none appears for the appellant. The learned Advocate for the respondents points out order dated 19.01.2024 passed in C.A. No.493 of 2024. This Court in the said order recorded that earlier the appeal was dismissed and it was restored by order dated 04.12.2023. The stay was granted subject to condition of deposit of Rs.50,000/-. It is further observed that the appellant played fraud and has disposed off the immovable property in spite of attachment order and by making false statement had obtained stay. This Court, therefore, vacated the stay order and allowed the applicant therein to withdraw the amount, which is now withdrawn. However, statutory amount of Rs.25,000/- is still not deposited, though the matter was dismissed for this very reason on earlier occasion and it was later on restored.

02. Thus, it appears that there is consistent default on the part of the appellant. This Court is, therefore, constrained to pass order thereby dismissing the appeal for default.

03. Hence, the first appeal and all pending civil applications are dismissed for default.

04. It is made clear that if application for restoration of the appeal is filed, this Court will consider the same subject to heavy costs.

[KISHORE C. SANT, J.]