



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

CIVIL APPLICATION [CAS] No. 103 of 2025
with
CIVIL APPLICATION [CAS] NO. 281 OF 2025
in
SECOND APPEAL NO. 311 OF 2014
SHRIKRUSHNA S/o SADASHIV BELSARE
VERSUS
ASHOK PANDURANG FALKE

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mrs. A. R. Khare, Advocate for the appellant
Mr. S. V. Sohoni, Advocate for the respondent.

CORAM : M. W. CHANDWANI, J.
DATE : JUNE 30, 2025.

1. Heard the learned counsel appearing for the respective parties.
2. CAS No. 103/2025 has been filed by the respondent for dismissal of the instant appeal on the ground that, in spite of the directions of this Court to deposit Rs.20,000/- (Rupees Twenty thousand only) per annum, the appellant failed to do so after 2018 onwards. According to the respondent/applicant, the amount has not been deposited for approximately seven years and as per the calculation, the appellant is in arrears of Rs.1,40,000/-.
3. CAS No. 281/2025 has been filed by the appellant seeking condonation of delay in compliance of Court's order dated 26.04.2016 and for permission to deposit Rs.1,40,000/-.

4. It is a matter of record that by order dated 26.06.2016, stay to the effect and operation of the decree of the trial Court and the first Appellate Court was granted subject to the appellant depositing Rs.20,000/- per annum. The appellant has deposited the amount of Rs.20,000/- per annum upto the year 2017. By the present application, the applicant has stated that he is ready to deposit the entire outstanding amount.

5. Considering the period of delay of seven years, it will be appropriate to compensate the respondent for the inordinate delay in making the payment.

6. In view of the above, the delay in compliance of the order dated 26.04.2016 is condoned. The appellant is permitted to deposit Rs.1,40,000/- with a direction to pay the costs of Rs.10,000/- (Rupees Ten thousand only) to the learned counsel for the respondent. The amount be paid within two weeks from today.

7. CAS No. 281/2025 is allowed and disposed of in the above terms. No costs.

8. Since, the appellant is ready to comply with the order dated 26.04.2016 and he is permitted to deposit the amount of Rs.1,40,000/-, the grievance raised by the respondent in CAS No. 103/2025 stands redressed. Accordingly, CAS No. 103/2025 stands disposed of.

(M.W.Chandwani, J.)