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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4898 OF 2012

City Municipality Ambajogai

PETITIONER

VERSUS

Ashok Balaprasad Bhandari & Another

RESPONDENTS

.....

Mr. Vivek V. Bhavthankar, Advocate for the petitioner

Mr. K.A.Kadam, Advocate for respondent No.1 (Absent)

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 28th FEBRUARY, 2014

ORDER :

1. The matter is repeatedly coming up before the Court and neither the respondents nor their counsel are making themselves available when the matter is being called out.

2. Regular Civil Appeal No.62 of 2007 against a decree passed against the interest of the present petitioner is pending. Stay to execution of decree is sought in the same, which had in effect been granted by the appellate Court subject to certain condition viz., deposit of 75% of amount within a specific period, which could not be complied with within the period stipulated.

3. The petitioner had later on made amends and has

deposited 75% of the decretal amount, pursuant to the direction of this Court in the present petition.

4. Having regard to the above, it would be appropriate and expedient that the amount deposited pursuant to the direction of this Court in the present petition be appropriated as amount pursuant to the order passed by the appellate Court dated 15th October, 2011.

5. In the circumstances, nothing survives further for consideration in the present petition and the petition stands disposed of accordingly.

6. Needless to refer to that interim relief granted in Regular Civil Appeal No. 62 of 2007 at the instance of present petitioner shall continue as per order dated 15-10-2011 granted by the appellate Court, during pendency of the appeal unless and until circumstances call for change, alteration or variation in the same.

[SUNIL P. DESHMUKH, J.]