

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1880 OF 2014

Ajay Umashankar Agnihotri .. Petitioner
vs.
Radhakrishnan Bhade .. Respondent

Mr. Vishal Patil for the Petitioner.
Mkr. J.H. Oak for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 31 JULY 2015.

P.C. :-

1] This petition is directed against the order dated 6 February 2013 made by the Additional Commissioner, Konkan Division, Mumbai, dismissing Revision Application No. 298 of 2012 for non-compliance with its earlier order dated 4 December 2012.

2] In this case, the Competent Authority, Konkan Division, Mumbai in Case No. 61 of 2011, has made *ex-parte* order of eviction and payment of certain mesne profits against the petitioner. The petitioner instituted Revision Application No. 298 of 2012. Therein, on 4 December 2012, the Additional Commissioner, Konkan Division made a conditional order directing the deposit of amounts in terms of the order dated 20 March 2012 made by the Competent Authority. There was no compliance by the petitioner and therefore, the Additional Commissioner by order dated 6 February 2013 has dismissed Revision Application.

3] In this Court also, the matter was adjourned from time to time in order to enable the petitioner to take instructions as to whether the petitioner would be willing to deposit the amounts, so that some indulgence would be extended in the matter. Despite such indulgence, the petitioner states that no amounts can be deposited.

4] The learned counsel for the respondent states that the petitioner is a builder by profession and there is no justification for non-compliance. The learned counsel for the respondent submits that the entire objective of the petitioner has to some how prolong the matters.

5] In view of the aforesaid, no case is made out to exercise an extra ordinary and equitable jurisdiction. This petition is, therefore, dismissed. There shall, however, be no order as to costs.

(M. S. SONAK, J.)

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