

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 41553/2022

(Arising out of impugned judgment and order dated 25-07-2022 in WP No. 4822/2019 passed by the High Court of Judicature at Bombay at Aurangabad)

NANDALAL DHONDU PATIL & ORS.

Petitioner(s)

VERSUS

NANDLAL WAGHUMAL KAKAREJA THROUGH LRS & ORS.

Respondent(s)

(IA No.156575/2023-CONDONATION OF DELAY IN FILING and IA No.156577/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.156576/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 18-08-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Vinay Navare, Sr. Adv.
Mr. Chinmay Deshpande, Adv.
Mr. Anirudh Sanganeria, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Heard Mr. Vinay Navare, the learned senior counsel appearing for the petitioners.

Having considered the submissions, we are of the view that this Special Leave Petition is without any merit and the same is accordingly dismissed.

However, noticing that the High Court had dismissed the application filed by the petitioners but also ordered for deposit

of Rs.2,00,000/- (Rupees Two Lakhs Only) in the Court to be remitted to the Executing Court, we feel that the said amount, in view of the dismissal of the writ petition, should be refunded to the party who had deposited the amount. It is ordered accordingly.

Barring the above limited modification with the impugned order dated 25.07.2022 in the Writ Petition No. 4822 of 2019 of the Aurangabad Bench of the Bombay High Court, the Special Leave Petition stands dismissed.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR