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

CIVIL APPLICATION NO. 2921 OF 2015
in
WRIT PETITION NO. 7847 OF 2010

Narendra S/o Chandulal Modi ... Applicant

Versus

Barkuram S/o Ramchandra Lathi
through GPA ... Respondent

.....

Mr. M.N. Navandar , Advocate for applicant
Mr. A.G. Talhar, Advocate for respondent

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 5th MARCH, 2015

PER COURT :

1. By this application, the applicant has sought liberty to deposit arrears of rent from December 2014 to February 2015 and deposit advance rent from March 2015 up to February 2016.

2. Shri Talhar, learned Advocate appearing on behalf of the respondent has vehemently opposed the Civil Application. Contention is that this Court by its order dated 23-03-2011 has ordered that failure on the part of the applicant / petitioner to deposit the rent amount would result in the vacation of the interim orders passed on 23-03-2011, automatically.

3. Shri Talhar, further submits that the applicant is in arrears of rent on several occasions. By order dated 08-11-2011 in Civil Application No. 12280/2011 and by order dated 28-03-2014 in Civil Application No. 10868 of 2012, this Court granted liberty to the applicant to deposit the arrears of rent. Yet, despite the orders, the applicant is once again in arrears. He, therefore, prays for the rejection of the Civil Application.

4. I have considered the submission of Shri Navandar and Shri Talhar, learned Advocates and have perused the orders passed by this Court dated 23-03-2011 in the Writ Petition and 08-11-2011 and 28-03-2011 on the Civil Applications.

5. As such, by way of a last chance, this Civil Application is allowed on the following terms :-

a] The applicant shall deposit arrears of rent till February-2015 along with interest @ of 6% per annum within a period of four weeks from today with the Trial Court.

b] As per the request of the applicant, advance rent from March-2015 to February-2016 shall also be deposited with the Trial Court within a period of four weeks from today.

c] Similar to the directions as above, the applicant shall continue to deposit advance rent for further periods of twelve months on or before the 15th day of March beginning from 2016 onwards with the Trial Court.

e] The non applicant / respondent shall withdraw the said amount.

f] In the event there is any default on the part of the applicant/ petitioner to comply with the above directions and in the event the applicant flouts either of the above directions, the interim order protecting the possession of the applicant / petitioner by order 23-03-2011 shall stand automatically vacated and the applicant will not be entitled to seek any relief or extension of time from this Court.

6. The Civil Application is partly allowed, with the above directions.

(**RAVINDRA V. GHUGE, J.**)