

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 409 OF 2015
IN
CIVIL REVISION APPLICATION NO. 641 OF 2009

Satish G. Vhatkar

.. Applicant
(Org. Defendant)

vs.

Dattatray G. Kadam
since deceased through heirs
1a Sajjan D. Kadam and ors.

.. Respondents

Mr. S.M. Railkar for the Applicant.

CORAM : M. S. SONAK, J.
DATE : 26 OCTOBER 2015.

P.C. :-

1] Since the Application is made within a time, the same is made absolute in terms of prayer clause (a). Necessary amendment to be carried out in the Civil Application No. 408 of 2015. Amendment to be carried out forthwith.

2] Issue notice to the legal representatives of deceased Respondents in Civil Application No. 408 of 2015, once the necessary amendment is carried out, returnable on 30 November 2015 (High On Board).

3] The learned counsel for the Applicant states that despite eviction decree, which was made on 18 September 2008, the Applicant continues in possession. There is no ad-interim relief

granted by this Court. In any case, if the Applicant continues in possession, the Applicant is directed to deposit in this Court compensation at the rate of Rs.1000/- per month from the date of eviction decree till date and thereafter continues to deposit compensation at the rate of Rs.1000/- per month on or before 5th day of each succeeding month. The arrears to be deposited on or before 31 December 2015. This determination is only ad-hoc basis. In case, at least 50% of the arrears are deposited on or before 30 November 2015, there shall be a stay on the execution of eviction decree. However, if there is any default, this interim relief shall stand vacated.

4] Further, if there is any delay or default on the part of Applicant in either carrying out amendment or serving notice upon the legal representatives of deceased Respondents, the interim order made today, shall stand vacated.

5] Civil Application is disposed of.

(M. S. SONAK, J.)