

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO. 45 OF 2015

M/s. Hakoba Ltd. & Ors.

.. Applicants

Vs.

Rajan Motiram Jayakar & Ors.

.. Respondents

Mr.Nitin P. Dalvi for applicants.

CORAM : K.R.SHRIRAM, J.

DATE : 3RD FEBRUARY, 2015

P.C.

1 This civil revision application is filed challenging an order dated 23rd December 2014 passed by the Appellate Court of the Small Causes Court, Bombay whereby the Appellate Court was pleased to grant conditional stay on the consent decree dated 20th June 2003 to the extent of the portion out of the suit premises in the impugned judgment and order dated 9th July 2012 passed by the trial Court directing to deliver possession of portion out of the suit premises. The condition was that the applicants herein namely the appellants in the appeal proceedings were to deposit a sum of Rs.50,000/- per month from the date of impugned judgment and order dated 9th July 2012 upto December 2014 within one month from the date of passing of the order. It was also made clear that if the directions was not complied with, the stay granted by this order automatically shall stand vacated.

2 The counsel for the applicants pointed from the impugned order that the judgment was given on 23rd December 2014, transcribed on 26th December 2014, checked and signed on 2nd January 2015 and certified copy was made available on 27th January 2015 and in view thereof the applicants could not comply with the order. The counsel for the applicants further stated that the order will be complied with by the applicants on or before 23rd February 2015.

3 In view thereof, the time to deposit the amount as directed in the impugned order dated 23rd December 2014 is extended upto and including 23rd February 2015. It is made clear that if by 23rd February 2015, this order is not complied with, the stay granted will automatically stand vacated.

4 The civil revision application stands disposed.

(K.R. SHRIRAM, J.)