

Sequeira

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

***CIVIL APPLICATION NO.342 OF 2015
in
WRIT PETITION NO. 205 OF 2015.***

Jawaharlal Male Patwa .. Applicant /Petitioner
Vs.
The State of Maharashtra & anr. .. Respondents

Ms.C.S.Gongae i/b Ms.Ratna Jaiswal, for the Applicant /Petitioner.
Dinesh Patwa, on behalf of Respondent No.2 present in Court.

***CORAM: N.M.Jamdar, J.
Monday 27 April, 2015***

PC :

By this Application, the Applicant prays that time to deposit the arrears be extended.

2 The Applicant had challenged the decree of eviction passed by the learned Judge, by way of an Appeal No.178 of 2014 in the Appellate Bench of the Small Causes Court Mumbai. In this appeal, the Applicant took out an application for stay of the execution of the decree. It was granted by the Appellate Bench on condition of depositing compensation of Rs.5,000/-. This order was challenged by the Applicant by Writ petition No.205 of 2015 which was disposed of by this Court on 21 January 2015, granting four weeks time to deposit the arrears. Thereafter the present Civil Application is taken out for extension of that time.

3 When the Civil Application came up on board, on 16 April 2015, the Applicant was directed to deposit the entire arrears in the Small Causes Court subject to further orders to be passed in the Civil Application. Thereafter the application was moved on 18 April 2014 wherein it was stated that the entire arrears have been deposited.

4 The learned counsel for the Applicant states that now that the amount has been deposited, the application be granted. The Respondent states that he has incurred costs to ready the process for execution which had to be deferred. Considering the facts and circumstances, I am of the opinion that the Respondents will be entitled to costs. The Application is accordingly allowed on the condition that Applicant pays an amount of Rs.10,000/- to the Respondents towards costs within period of two weeks from today. It is also directed that the Applicant shall keep paying the compensation regularly and any default henceforth by the Applicant will be considered as an aggravated conduct.

The Application is accordingly disposed of.

(N.M.Jamdar, J.)