

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 260 OF 2013
IN
CIVIL REVISION APPLICATION NO. 499 OF 2008

Parayil K. Kesavan and anr.

.. Applicants

vs.

Anwar I. Memon and anr.

.. Respondents

Ms Gayatri Sharma i/b M/s. S.K. Srivastava & Co. for the Applicants.
Mr. S.M. Oak i/b Mr. Sagar Joshi for the Respondent No.1.

CORAM : M. S. SONAK, J.
DATE : 19 OCTOBER 2015.

P.C. :-

1] By the order dated 1 July 2015, the Applicants were permitted to withdraw the compensation of Rs.1200/- per month effective from 3 March 2010. This was on the basis that the licence amount in respect of suit premises was Rs.1200/- per month, though subsequently the reasonable compensation has been determined at Rs.2400/-. This order was made in presence of Mr. Anwar I. Memon, who appears in person on the said date.

2] Now, Mr. S.M. Oak, learned counsel appears for the Respondent No.1, submits that the Respondent No.1 has in fact purchased the suit premises by means of registered document from Sadhana Dicholkar (Respondent No.2). The Applicants claim to be owners of the suit premises on basis of registered document executed with the husband of Sadhana Dicholkar. There is dispute

between the parties as to their respective status. However, the Applicants are senior citizens.

3] In the aforesaid circumstances, it will be appropriate if the Applicants are permitted to withdraw the fifty percent of the compensation amount deposited in this Court upto 1 July 2015. However, for the period beyond 1 July 2015, there shall be no further withdrawals. Such withdrawal is subject to the Applicants filing Undertaking before this Court, within a period of four weeks from today, to the effect that they shall bring back the amounts so withdrawn, in case they are directed to do so by any further orders/final orders that may be passed in the Civil Revision Application. The liberty for withdrawal is undoubtedly without prejudice to the rights and contentions of all the parties, including in particular Respondent No.1.

4] Considering the age of the Applicants, the Registry to ensure that the withdrawal is permitted within a period of two weeks from the date of filing of Undertaking by the Applicants. Copy of such Undertaking to be furnished to the learned counsel appearing for Respondent No.1 before the same is filed in the Registry.

5] Civil Application is disposed of in the aforesaid terms.

(M. S. SONAK, J.)