

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

**CIVIL APPLICATION NO. 112 OF 2015
WITH
CIVIL APPLICATION NO. 134 OF 2015
IN
CIVIL REVISION APPLICATION NO. 524 OF 2010**

Municipal Commissioner for Greater
Bombay & Ors.

.. Applicants

Vs.

Mohd. Hussein E. Rampurwala & Ors.

.. Respondents

Mr.Suresh Pakale a/w. Mr. Vinod Mahadik for applicants.

Mr.M.A.Rochiramani a/w. Mr.Prabhakar Jadhav i/b Mr.V.P.Sawant for
respondent no.4.

**CORAM : K.R.SHRIRAM, J.
DATE : 27TH FEBRUARY, 2015**

P.C.

1 There are two civil applications one is for condonation of delay, if any, and the other is restoration of the civil revision application. The applicants are the Municipal Corporation of Mumbai. On 19th January 2011, this Court was pleased to issue rule and further granted ad-interim reliefs in terms of prayer clause (b) with the direction to deposit the arrears of compensation at the agreed rate of rent and also continue to deposit the future monthly compensation at the agreed rate of rent on or before 10th day of every British calendar month

2 The civil revision application came to be dismissed for non-compliance of the conditional order. The counsel states that due to oversight, bhatta charges was not paid. Mr.Pakale, advocate for the applicants, on instructions, confirms that respondent nos.1 to 3, who are not present today, have also been served and undertakes to file the affidavit of service within one week from today.

3 At this stage, the counsel for respondent no.4 states that the amount that the applicants have been depositing in the trial Court is less than the amount that was supposed to be deposited. The counsel tenders a certified copy of the statement issued by the trial court in which at item no.1, the amount shown is Rs.2531.39 whereas later the amount being deposited is shown as Rs.1054.78. The counsel raises a grievance that the applicants have not been depositing the amount of agreed rent. Both the counsel for the applicants and the respondent no. 4 are unable to show what was the agreed rate of rent. Mr.Pakale, on instructions from the officer present in Court, states that whatever has been the agreed amount has been paid though different figures have been shown. The counsel also undertakes to file an affidavit to that effect.

4 Be that as it may, if the amount that is paid is deficient, the applicants are directed to deposit the entire amount due as on date with the trial court on or before 7th March 2015.

5 In the circumstances, the civil revision application stands restored so also the ad-interim relief granted. It is made clear that if the above directions are not complied with, the interim order granted earlier will stand vacated.

6 Both civil applications accordingly disposed. The applicants to pay a sum of Rs.3,000/- as costs of these applications to respondent no.4 within four weeks.

(K.R. SHRIRAM, J.)