

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

WRIT PETITION NO. 2976 OF 2014

Narendra Ganpat Palande

..Petitioner

Vs.

Kiran S. Karani

..Respondent

....

Mr. Khan Javed Akhtar, Advocate for Petitioner.

Mr. A.V. Chatuphale, Advocate i/b N.A. Bharwani for Respondent.

....

CORAM : N.M. JAMDAR, J.

DATED : 19 MARCH 2015

P.C.:

By this petition, the petitioner challenges the order passed by the Appeal Bench of Small Cause Court, Mumbai below Exhibit 8 in revision application filed by the petitioner. The petitioner has filed a revision against the order passed by the learned Small Cause Court directing the petitioner to deposit the compensation with the tune of Rs.21.35 Lakhs and pay compensation of Rs.77,000/- per month. Pending the hearing of the revision application, prayer for stay was made by the petitioner which was rejected by the impugned order dated 16 January 2014.

2. Consequence of rejection of the stay is that the petitioner will have to deposit the entire amount as directed by the learned Small Cause

Court, Mumbai. It is brought to my notice that the respondent had made an application for striking of defence of the petitioner for non deposit compensation amount, which application has been subsequently withdrawn by the respondent.

3. However it is not necessary to enter into the merits of the controversy as the learned Counsel for the parties are agreeable for disposal of this petition with a direction to Appeal Bench of the Small Cause Court, Mumbai to take up the revision application for consideration. The Appeal Bench of the Small Cause Court, Mumbai will take up the revision application and dispose of the same preferably within four months if both the parties do not take needless adjournment and co-operate with the Appeal Bench. The learned Counsel for parties agree that during the hearing of the revision application, no coercive action will be taken against the petitioner on the ground of non deposit of the amount directed.

4. All contentions of parties in revision application left open. The petition is disposed of in above terms.

[N.M. JAMDAR, J.]