

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPLICATION NO.1002 OF 2015**  
**IN**  
**WRIT PETITION NO.10456 OF 2014**

Prakash S/o. Bhagirath Tantak. ] ... Applicant  
Orig. Respondent  
Versus

Harishchandra Eknath Paigude. ] ... Respondent/  
Orig. Petitioner

Mr. Nikhil S. Tekale for Applicant/Orig. Respondent.  
Mr. Sachin S. Punde for Respondent/Orig. Petitioner

**CORAM :- M. S. SONAK, J.**

**DATE :- JULY 29, 2015**

**P. C. :-**

1. The challenge in this Writ Petition is to the order dated 21/10/2014 made by the Additional Commissioner, Pune Division, ordering the eviction of the Petitioner and directing payment of compensation. This Court, by order dated 19/12/2014, has granted interim relief subject to the Petitioner depositing the amount as directed in the order dated 21/10/2014.

2. By this Civil Application, the Respondent-landlord seeks leave to withdraw the said amount. This petition has already been admitted, and ad-interim directions have been issued to the Petitioner to deposit an amount of Rs.7,500/- (Rupees Seven Thousand Five Hundred Only) per month. The amount deposited in terms of the

impugned order is in the range of Rs.4,50,000/- (Rupees Four Lacs Fifty Thousand Only). The same was on the basis that the contractual license fee was Rs.2,200/- (Rupees Two Thousand Two Hundred Only) per month and therefore, double the amount has been directed to be paid as and by way of compensation.

3. The Respondent-landlord has submitted that both, he and his wife suffer from several ailments and further, the Petitioner, since 2006, has not paid any amount towards the use and occupation of the suit premises.

4. In the aforesaid circumstances, it will be appropriate if the Respondent-landlord is permitted to withdraw an amount of Rs.2,50,000/- (Rupees Two Lacs Fifty Thousand Only) from out of the amount deposited in this Court by the Petitioner. This shall be subject to the Respondent-landlord filing an undertaking in this Court that such amount will be brought back within the time limit indicated and along with the interest as may be determined by this Court. Insofar as the balance amount which is lying in deposit, as also further amounts which the Petitioner shall deposit in accordance with the directions issued in the main Writ Petition, the Registry to invest the same in a fixed deposit with a nationalized bank.

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

6. All concerned to act on basis of authenticated copy of this order.

**(M. S. SONAK, J.)**