

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6785 OF 2015

Milkitsingh H. Gill & Anr.	..	Petitioners
VS.		
Additional Commissioner, Pune & Ors.	..	Respondents

Mr. P. B. Gujar for Petitioners.
Mr. A. R. Metkari - AGP for Respondent Nos. 1 and 2.
Mr. Chaitanya Nikte for Respondent No. 3.

CORAM : M. S. SONAK, J.
DATE: 01 SEPTEMBER 2015

P.C. :-

1] The grievance in this petition is that the Additional Commissioner has granted the respondents an unconditional stay restraining the execution of eviction decree. The learned counsel for the petitioners states that assuming that any case is made out for grant of stay, conditions with regard to deposit of arrears or for that purpose payment of reasonable compensation are required to be imposed, particularly considering the law laid down by the Apex Court in the cases of *Atma Ram Properties (P) Ltd. vs. Federal Motors (P) Ltd.*¹ and *State of Maharashtra & Anr. vs. M/s. Super Max International Pvt. Ltd. & Ors.*²

2] The perusal of the impugned order would indicate that stay has been granted only upto the next returnable date. Obviously,

1 2005 (1) SCC 705

2 2009 (5) All M.R. 1991

therefore the stay is an ad interim one. In any case, the same should be construed as ad interim stay. The Additional Commissioner is directed to consider the respondent no. 3's application for interim stay and at that stage, the petitioners should be heard on the aspect of conditions. The application for stay to be disposed of within a period of four weeks from the date of production of authenticated copy of this order.

3] The petitioners are granted liberty to produce authenticated copy of this order on the next date fixed before the Additional Commissioner.

4] It is clarified that this Court has not gone into the merits of the matter and therefore all contentions of all parties are left open.

5] With the aforesaid observations, this writ petition is disposed of.

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

(M. S. SONAK, J.)

C E R T I F I C A T E

“I certify that this Order uploaded is a true and correct copy of original signed Order.”

Uploaded by :
Ms. S. K. Chandka
P.S. to the Hon'ble Judge

Uploaded on: 02 September 2015