

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.301 OF 2015
IN
CIVIL REVISION APPLICATION NO.222 OF 2015

Mahendra Prasad Barot.] ... Applicant

In the matter between :

Smt. Shakuntala Ranjikanth Gadkar and Ors.] ... Petitioners

Versus

Mahendra Prasad Barot and Anr.] ... Respondents

Mr. Pritesh Vyas for Applicant/Original Respondent.

Smt. Manisha B. Gawde for Petitioners

CORAM :- M. S. SONAK, J.

DATE :- JULY 02, 2015

P. C. :-

1. This Civil Application seeks recall of order dated 29/06/2015, by which Rule was issued in the petition and ad-interim relief granted subject to certain condition.

2. The learned Counsel for Applicant in Civil Application states that his name was not indicated on the cause-list and therefore he could not remain present on 29/06/2015 when the order was made.

3. Insofar as grant of Rule is concerned, there is no obligation to hear the Respondents or their Advocate. Insofar as

interim relief is concerned, the same has to be decided after giving due notice to the Respondents. In the present case, no interim relief has been granted. Only ad-interim relief has been granted and that too subject to the condition that the tenant deposits in this Court compensation at the rate of Rs.10,000/- (Rupees Ten Thousand Only). The order dated 29/06/2015 makes it clear that this determination is only on ad-hoc basis and specific opportunity has been granted to both the parties to place the material on record and to seek variation at the stage of confirmation of ad-interim relief. The matter has been placed for consideration on 10/08/2015. The order incorrectly states that the matter is placed for grant of ad-interim relief, when, in fact, the order should have read that the matter is placed for confirmation of ad-interim relief already granted.

4. In this view of the matter, although, it may be that the Advocate for Applicant/Original Respondent could not attend the Court on 29/06/2015 for valid reason, no useful purpose will be served by recalling the order dated 29/06/2015. The said order affords ample opportunity to the Respondent to place on record material in the matter of confirmation of ad-interim order and the reasonable compensation, which, the original Applicant ought to be directed to pay as a condition for interim relief.

5. For the aforesaid reasons, Civil Application No.301 of 2015 is disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)