

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2050 OF 2015  
IN  
WRIT PETITION NO. 6975 OF 2014

M/s. Power House Fitness Ltd.  
(formerly known as Naaz  
Treading & Finance Ltd.

.. Applicants

VS.

M/s. Raj Dadarkar & Associates

.. Respondents

Mr. Rohit Pande for Applicants.  
Mr. Bhavin Bhatia for Respondents.

**CORAM : M. S. SONAK, J.**  
**DATE : 16 JULY 2015**

**P.C. :-**

**1] Not on board, upon production, taken on record.**

2] Although, sufficient cause has been shown for non appearance on 22 June 2015, which is the date on which this matter was dismissed for non prosecution, the learned counsel for the respondents points out that this Court by its order dated 26 September 2014 had directed the petitioners to deposit an amount of Rs.22,88,000/- within one week. The learned counsel for the respondents contends that till date there is no compliance with this portion of the order dated 26 September 2014.

3] The learned counsel for the respondents further states that though sufficient cause may have been shown for non appearance on 22 June 2015, as recorded in the order dated 22 June 2015, none appeared for the petitioners on 21 January 2015 as well as 4 February 2015. It was submitted that such non appearance was deliberate, as the petitioners apprehended queries with regard to non compliance with the direction contained in the order dated 26 September 2014.

4] One of the issues involved in the main petition is whether the petitioners are to be made liable to pay monthly compensation at the rate of Rs.1,50,000/- or Rs.1,00,000/-. As an interim measure, liberty was granted to the petitioners to pay compensation at the rate of Rs.1,00,000/- per month. There was further direction to clear the arrears of Rs.22,88,000/- within one week. The petitioners has continued in possession of the suit premises but there is no deposit of Rs.22,88,000/-. The learned counsel for the petitioners states that an amount of Rs.13,48,000/- has been deposited. This leaves balance of Rs.9,40,000/-.

5] In the aforesaid circumstances, the order dated 22 June 2015 is recalled subject to the petitioners depositing within a period of one week an amount of Rs.9,40,000/- in this Court. If this amount is

not deposited, then the order dated 22 June 2015 dismissing this petition for non prosecution shall stand.

6] If the amount is deposited within one week, place this matter for admission on 23 July 2015 on supplementary board.

7] It is clarified that this Court has not granted any stay on the proceedings pending before the Small Causes Court. As such, pendency of this petition, is no hindrance to the Small Causes Court proceeding with the matter.

8] Civil application is disposed of in the aforesaid terms.

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

Chandka