

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 637 OF 2014

IN

CIVIL REVISION APPLICATION NO. 955 OF 2010

Premchand B. Panchagam
(since deceased through his
legal heirs)

.. Applicants

vs.

Chandrashekar B. Desai

.. Respondent

Mr. K.P. Shah for the Applicants.
Mr. V.B. Tapkir for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 23 JUNE 2015.

P.C. :-

- 1] Heard learned counsel for the parties.
- 2] By this application, the applicants seek permission to carry out the repairs to the suit premises at their own costs.
- 3] Mr. Tapkir, learned counsel for the respondent, submitted that there is no necessity to carry out any repairs to the suit premises. Till date, however, the respondent has not filed any reply in the matter. Besides, the repairs which the applicants seek to carry out involve plastering and filling up of cracks, which have developed in the walls, due to which there is seepage of water. There are photographs placed on record, which bear out this position. Accordingly, this application is made absolute in terms of prayer clause (a) with the clarification that the applicants, at their own costs, shall carry out the repairs indicated in paragraph '5' of the civil application. Further, this shall be without prejudice to the rights and contentions of the respondent.

4] Mr. Tapkir, learned counsel for the respondent, points out that by order dated 12 September 2011, the interim compensation was to be paid by the applicants herein to the respondent directly. However, the same is being deposited by the applicants before the Small Causes Court at Pune. Perusal of the order dated 12 September 2011, including in particular para '3' thereof indicates that the amounts were to be paid to the respondent rather than deposit in the Court. Accordingly, the respondent shall be entitled to withdraw the amounts deposited before the Small Causes Court at Pune by the applicants and further, the applicants shall abide by the directions contained in order dated 12 September 2011 and pay the compensation amount directly to the respondent. In order to facilitate such payment, the respondent has agreed to furnish the applicants the details of his bank account, within a period of two weeks from today. Accordingly, the applicants to directly deposit such amount in the bank account of the respondent. This will obviate the necessity of issuing any receipt towards the amount.

5] Accordingly, Civil Application is disposed of.

(M. S. SONAK, J.)

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