

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.472 OF 2015
IN
CIVIL REVISION APPLICATION NO.55 OF 2015**

Mohd Mehtab Khan and anr. : Applicants.
Versus
Khushnuma Ibrahim Khan and ors. : Respondents.

Mr. Drupad S Patil for the Applicants.
Mr. Rahul Narichania, Senior Advocate a/w Mr. Mayur Khandeparkar and
Mr. Prathamesh Kamal i/by M/s. A Mehta laljee & Co. for the Respondent
Nos.1 and 2.

CORAM : R. M. SAVANT, J.
DATE : 23rd September 2015

P.C.

- 1 Not on board. Mentioned for an urgent relief.
- 2 The above Civil Application has been moved on an urgent basis as the steps are sought to be taken by the Respondents to take possession of the suit premises. The above Civil Application has been filed for the following reliefs :-

(a) This Hon'ble Court be pleased to extend the time to comply with the order dated 8.5.2015 for depositing the amount of Rs.50,000/- by Demand Draft.

(b) This Hon'ble Court be further pleased to permit the Applicant No.1 to deposit the said amount through Demand Draft."

The said amount of Rs.50,000/- was directed to be deposited by a learned Single Judge of this Court (Coram : M.S.Sonak, J.) by the order dated 08/05/2015. Time to deposit the said amount was further extended by another learned Single Judge of this Court (Coram : R.G.Ketkar, J.) initially by the order dated 23/06/2015 and thereafter further extension was granted by the order dated 10/07/2015 by which order an additional week was granted to deposit the amount. It seems that a cheque of Rs.50,000/- was deposited by the Applicant which cheque was dishonoured on account of insufficiency of funds. The Applicant has now in his possession a Demand Draft bearing No.968735 dated 23/09/2015 of Citi Bank. The said amount of Rs.50,000/- was directed to be deposited as the Civil Revision Application was to be heard on 23/06/2015. However, a period of four months has lapsed from the said date. Hence the Applicant would be required to deposit an additional amount of Rs.2,00,000/- (Rupees Two lacs only) for the four intervening months. The above Civil Application is accordingly allowed in terms of prayer clauses (a) and (b) subject to the modification that the additional amount of Rs.2,00,000/- (Rupees Two lacs only) covering the period up to September 2015 would have to be deposited by the Applicant latest by 05/10/2015. Hence in total the Applicant would have to deposit an amount of Rs.50,000/- + Rs.2,00,000/- i.e. in total Rs.2,50,000/- (Rupees Two lacs Fifty Thousand only). The above Civil Revision Application along with the Civil Revision Application No.454 of 2015 to be listed for admission on 07/10/2015. Time to deposit the said amount is

granted as and by way of final indulgence. In so far as the Demand Draft of Rs.50,000/- is concerned, the same to be deposited by the Applicant forthwith. No further time would be granted to the Applicant to deposit the additional amount of Rs.2,00,000/- and the Applicant would thereafter have to face the consequences of not depositing the amount. The learned Senior Counsel for the Respondent No.1 and the learned counsel for the Respondent No.2 make a statement in the same terms as has been recorded in paragraph 8 of the order dated 08/05/2015 which statement is now relatable to the further deposit of Rs.2,00,000/- (Rupees Two lacs only) to be made by the Applicant. With the above directions, the above Civil Application is disposed of.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed Order.