

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.493 OF 2015
IN
CIVIL REVISION APPLICATION NO.717 OF 2014

Mrs. Meena Lalkodumal Chanchalani.] ... Applicant

Versus

Tiao Wei Liang.] ... Respondent

Mr. C. G. Gavnekar i/b Mr. Suhas S. Deokar for Applicant.
Mr. Jaydeeo Deo for Respondent (Original Applicant).

CORAM :- M. S. SONAK, J.
DATE :- OCTOBER 09, 2015

P. C. :-

1. Heard the learned Counsel for parties.
2. In pursuance of orders dated 20/12/2011 and 26/07/2012, the respondent-tenant was directed to deposit before the Trial Court compensation of Rs.20,000/- per month from May 2011, as pre-condition for stay upon the execution of the eviction decree. It is stated that this amount has already been deposited sometime in February 2014. By this Civil Application, the landlady seeks withdrawal of at least 50% of such amount, *inter alia*, on the ground

that the landlady is required to pay dues to the society as also other outgoings in respect of the suit premises which are in the occupation of the tenant. In the application, the landlady has stated that she is a senior citizen and her financial position is also weak. The learned Counsel for landlady contends that the possession of the suit premises is with the tenant and in respect of the suit premises, if the landlady is called upon to discharge such outgoings, the same will not be possible, considering her age and financial position.

3. Considering that the landlady seeks to withdraw only 50% of the amount deposited and that too for clearance of outgoings in respect of the suit premises which are in occupation of the tenant, it will be appropriate if the Civil Application is made absolute in terms of prayer clause (b). Accordingly, from out of the amount of Rs.6,80,000/- deposited by the tenant before the Trial Court, the Trial Court to permit the landlady to withdraw an amount of Rs.3,40,000/-. The landlady shall, however, file a usual undertaking before this Court that she shall bring back such amount, in case the same is directed by this Court. The copy of such undertaking to be filed before the Trial Court as well, at the stage of withdrawal of the amount.

4. The appeal instituted by the tenant was dismissed on 27/02/2014. It is pointed out that the eviction order made by the Trial Court and confirmation by the Appeal Court has since been stayed by this Court. In fact, the Civil Revision Application has not yet been admitted but ad-interim relief has been granted. It is further

pointed out that from March 2014, the tenant has not deposited any amount towards reasonable compensation. In these circumstances, since the amount of Rs.20,000/- per month was already determined, though, the determination was of the year 2011, it is only appropriate that the tenant deposits in this Court compensation at the rate of Rs.20,000/- per month with effect from March 2014, if not already deposited. The time for deposit of arrears, if any, is granted up to 11/12/2015. The monthly deposit to be made in this Court on or before the 5th day of each succeeding month. This determination for present, is only ad hoc.

5. Civil Application is disposed of.

6. Place the Civil Revision Application for admission on 29/10/2015.

(M. S. SONAK, J.)