

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.442 OF 2015
WITH
CIVIL APPLICATION NO.652 OF 2015
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Ashwini Ravindra Pingle ... Applicant
Vs.
Sanjay Ramchandra Kamthe and another ... Respondents

Ms Ashwini R. Pingle, Applicant in person.
Mr. S. A. Sawant i/b. Mr. Sachin Kadam for Respondents.

CORAM : R. G. KETKAR, J.
DATE : DECEMBER 15, 2015

P.C. :

Not on Board. At the request of Ms Ashwini Ravindra Pingle, applicant in person, taken up for admission as the regular Court presided over by the Hon'ble Mr. Justice R. M. Savant is not available, Registry has placed this matter before me as per the administrative order passed by the Hon'ble the Acting Chief Justice.

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2. Heard Ms Ashwini Pingle, applicant in person and Mr. Sawant, learned Counsel for respondents. Applicant states that she has given discharge to her Advocate and she wants to appear in person.

3. Applicant has taken out Civil Application No.652 of 2015 praying inter alia for accepting the keys of the suit premises and for waiver of payment of compensation. She submitted that by order dated 09.09.2015, this Court issued Rule in C.R.A.No.442 of 2015. Ad-

interim relief in terms of prayer clause (b) was granted subject to the applicant filing usual undertaking in this Court within two weeks from the date of the order as also subject to the condition that the applicant deposits in this Court, the following amount:

- a) Compensation at the rate of Rs.11,000/- per month from 01.09.2013 (since the trial court eviction decree is dated 26.08.2013) upto 31.03.2014;
- b) Compensation at the rate of Rs.15,000/- per month from 01/04/2014 till 31/08/2015;
- c) To continue to deposit in this Court the compensation at the rate of Rs.15,000/- per month on or before the 5th day of each succeeding month.

4. Applicant states that she has vacated the suit premises and she is ready and willing to handover the keys of the suit premises to Mr. Sawant, learned Counsel for respondents. She further submitted that she is not in a position to pay the compensation and in terms of prayer clause (b) of the application, the same may be waived.

5. On the other hand, Mr. Sawant submits that the amount of compensation approximately comes to Rs. 3,32,000/- and it comes to Rs.4,00,000/- inclusive of interest. Upon taking telephonic instructions from the respondents, he states that respondents are ready and willing to settle the amount of compensation upto Rs.2,00,000/-. In other words, they are ready to waive amount of compensation over and above Rs.2,00,000/-. Mr. Sawant submitted that in case the applicant is not ready to pay Rs.2,00,000/-, respondents will proceed with Darkhast for recovery of the compensation amount. Applicant states that she is not in a position to pay Rs.2,00,000/- as well.

6. In view thereof, the request made by the applicant in Civil Application to the extent of accepting the keys of the suit premises is

accepted. Applicant Ms Ashwini Pingle has handed over the keys of the premises in question to Mr. Sawant, who acknowledges receipt of the same.

7. As the applicant is not in a position to pay Rs.2,00,000/-, respondents are at liberty to proceed with the Darkhast proceedings for recovery of compensation amount and the same shall be disposed of in accordance with law. It is made clear that I have not examined the merits of the case in that regard. In view thereof, Civil Application No.652 of 2015 is allowed in terms of prayer clause (a).

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As the applicant has prayed for dismissal of C.R.A. in Civil Application No.652 of 2015, which is disposed of, and has handed over the keys of the premises in question to respondents' Advocate, this C.R.A. does not survive and the same is disposed of as such. Rule is discharged with no order as to costs. Ad-interim order stands vacated.

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In view of the disposal of Civil Revision Application .No.442 of 2015 as also Civil Application No.652 of 2015, this Civil Application does not survive and the same is disposed of. Order accordingly.

(R. G. KETKAR, J.)