

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CIVIL APPLICATION NO.2080 OF 2015

IN

WRIT PETITION NO.2687 OF 2014

(Shri Giridhar @ Girish s/o Yeshwant Tekam ..vs.. Sou. Dhanwanti w/o Sunil Dhanorkar)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Akhtar Ansari, Advocate for the applicant,
Shri Abhay Sambre, Advocate for the non-applicant.

CORAM : Z.A. HAQ, J.

DATED : 20-11-2015

This is an application filed by the petitioner-tenant praying for condonation of delay in depositing the occupation charges.

This Court, by the order dated 15-04-2015, granted interim stay to the execution of the decree accepting the statement made on behalf of the petitioner that he is not in arrears of occupation charges and the occupation charges till 31-03-2015 have been paid to the landlord. This Court directed the petitioner to deposit the occupation charges of Rs.1,000/- per month before the executing Court till 5th of every month, until further orders.

Now the petitioner has come up with the case that due to his bonafide mistake, there was error in calculations and on 15-04-2015 he was in arrears. It is further submitted that because of bonafide mistake in calculations, the occupation charges for the period from

May 2015 onwards could also not be deposited till 5th of every month as the petitioner was under impression that he has deposited the occupation charges for the further period also.

As per the details given by the petitioner, he had not paid or deposited the occupation charges from 13-09-2012 till 10-04-2015. Even after passing of the order by this Court on 15-04-2015 the petitioner has not deposited the occupation charges every month till 5th of the month, as directed by this Court. In these circumstances, I am not inclined to show any indulgence in favour of the petitioner.

The application is dismissed.

JUDGE

pma