

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1003 OF 2012

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.M.L.Palan i/b Mr.R.R.Sharma for the petitioner

Mr.Kunal Bhanage for the respondent

CORAM : K. K. TATED, J.

DATE : APRIL 5, 2016

P.C.:

1 Heard the learned counsel for the parties.

2 By this petition, under Article 227 of the Constitution of India, petitioner defendant challenges the order dated 4.5.2010 passed by Small Causes Court at Bombay below Exhibit 9 directing defendants to deposit the amount of Rs.6,23,923.20 ps. till December 2009 and thereafter from 1.1.2010 @ Rs.1,121/- being Rs.210/- as rent and Rs.891/- as Society charges till the disposal of the Suit.

3 Being aggrieved by the said order, the defendant preferred Revision Application No.16 of 2011 before the Appellate Bench of Small Causes

Court. The appellate court dismissed Revision Application by order dated 5.11.2011. Thereafter the defendant filed the present petition on 27.1.2011. This court passed order on 13.2.2012 and extended interim relief granted by Trial Court. This matter was on board before this court on 7.10.2015. At that time, this court directed petitioner to deposit sum of Rs.2,00,000/- on or before 21.10.2015. The said order was not complied by the petitioner till today.

4 The learned counsel for the petitioner submits that it is not possible for the petitioner to comply either order dated 4.5.2010 passed by Small Causes court below Exhibit 9 in R.A.E.Suit No.206/400 of 2009 or order dated 7.10.2015 passed by this court (Coram: M.S. Sonak, J.)

5 Considering the submissions made by the learned counsel for the petitioner, it is not possible to hear the petitioner who failed to comply the order passed by this court on 7.10.2015 and made a statement that it is not possible for the petitioner to comply the same.

6 Hence, Writ Petition is dismissed with costs.

7 Petitioner defendant to pay cost of Rs.10,000/- to the respondent plaintiff within four weeks from today and or to deposit the same in Trial Court.

8 If cost is deposited in Trial Court respondent plaintiff is entitled to withdraw the same without furnishing any security.

JUDGE