

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

WRIT PETITION NO. 2846 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Roshan Shah i/b Lex Conseiller for the Petitioner.
Mr. M.L.Palan with J. P. Thakkar for the Respondent
Nos. 1 to 3.

**CORAM : K. K. TATED, J.
DATED : 08/03/2016**

PC.:

. Heard learned counsel for the parties.

2 This Writ Petition is preferred by defendants under Article 227 of the Constitution of India challenging the order dated 19.01.2016 passed by the Appellate Bench of Small Causes Court, Mumbai below Exh. 35 in Appeal No. 18 of 2013 rejecting defendants' application for extension of time to comply the order dated 16.10.2015 below Exhs. 7 & 11 in Appeal No. 18 of 2013, by which the Appellate Bench directed defendants to deposit compensation in respect of suit premises @ Rs.10,000/- per month from the date of judgment and decree dated 16.03.2013 upto 30.09.2015 and continued to pay the same on or before 10th day of each succeeding month in the court.

3 The learned counsel for the defendants submits that there was delay on their part to comply the order dated 16.10.2015 below Exh.7 and 11. Hence, the Defendants preferred application for extension of time being Exh.25.

4 The learned counsel for the defendants submits that the defendants are ready and willing to deposit the entire arrears as per order dated 16.10.2015 in Small Causes Court on or before 15.03.2016 and also to continue to pay within time. To that effect, the Defendant Kokila Keshav Parmar filed affidavit dated 07.03.2016. Same is taken on record.

5 As the defendants are ready and willing to comply the impugned order, I am satisfied that defendants have made out the case to allow the present Writ Petition. But, at the same time, petitioners defendants to pay cost of Rs.10,000/- to the Respondents Plaintiffs.

6 Hence, following order is passed:

a) Order dated 19.01.2016 passed by the Appellate Bench of Small Causes Court, Mumbai below Exh.25 in Appeal No. 18 of 2013, is set aside.

b) Application filed by the defendants below Exh.25 for extension of time is allowed.

c) Defendants to deposit the entire arrears as per order dated 16.10.2015 in Small Causes Court

on or before 15.03.2016 failing which Writ Petition shall stand dismissed without referring back to the court.

d) Petitioners/Defendants to pay sum of Rs.10,000/- by way of cost to the Respondents/Plaintiffs.

e) The learned counsel for the Respondents/Plaintiffs submits that they received the cheque of Rs.10,000/- toward the cost today only in the Court. Statement is accepted.

f) Writ Petition stands disposed of accordingly.

g) Parties to act on authenticated copy of this order.

(K.K.TATED, J.)