

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2229 OF 2015

IN

WRIT PETITION NO.3503 OF 2011

Mr. Vasantkumar Madhavsingh Sampat and others .. Applicants

IN THE MATTER OF

Maneklal R. Shivhare .. Petitioner

Versus

Mr. Vasantkumar Madhavsingh Sampat and others .. Respondents

AND

CIVIL APPLICATION NO.2230 OF 2015

IN

WRIT PETITION NO.3436 OF 2011

Mr. Vasantkumar Madhavsingh Sampat and others .. Applicants

IN THE MATTER OF

Shri Sudeshkumar Maneklal Shivhare .. Petitioner

Versus

Mr. Vasantkumar Madhavsingh Sampat and others .. Respondents

Ms. Rajkumari C. Nichani, for the Applicants.

Mr. Rajesh Maravoar i/by Maravoar Wamorkar & Co., for the Respondents.

Mr. Jay V. Shah, for the Respondent Nos.1B, 1D, 1H, 1I in both Applications.

CORAM : R.M. SAVANT, J.
DATE : 16th FEBRUARY 2016

PC.

1. The above Civil Applications have been filed by the Applicants / original Respondents / landlords seeking the identical relief which is to the following effect :-

“Civil Application No.2229 of 2015

(a) that the Respondent No.1 (Petitioner) may be ordered and directed to pay and/or deposit the arrears of Rs.2,90,000/- up to 31st March 2015 in Court along with further recurring amounts each month till the disposal of the Petition;”

“Civil Application No.2230 of 2015

(a) that the Respondent No.1 (Petitioner) may be ordered and directed to pay and/or deposit the arrears of Rs.2,90,000/- towards monthly compensation @ Rs.10,000/- per month forthwith and further compensation at the said rate from 01.04.2015 onwards;”

2. The said relief has its basis in the order dated 20.07.2012 passed by a Learned Single Judge of this Court (V. M. Kanade, J.). By which order, the Respondents in each of the above Civil Applications Maniklal R. Shivhare and Sudeshkumar Shivhare i.e. the Original Petitioners in the Writ Petitions were directed to pay Rs.10,000/- per month in terms of paragraphs 2 and 3 of the said order dated 20.07.2012.

The said order was passed by a Learned Single Judge (V. M. Kanade, J) of this Court after hearing the parties which included the counsel for Maniklal R. Shivhare and Sudeshkumar Shivhare. Though the order has been passed as long back as in July 2012 the amount has not been paid in terms of the said order nor any application has been filed for modification or setting aside of the said order. The said Maniklal R. Shivhare and Sudeshkumar Shivhare have also not filed any affidavit in reply to the above Civil Applications. Having regard to the fact that the Applicants /original Respondents / landlords are virtually seeking implementation of the order passed by the Learned Single Judge of this Court (V. M. Kanade, J.) dated 20.07.2012 and since admittedly the Respondents have not deposited the amount as directed by the said order, the Civil Applications are accordingly allowed and made absolute in terms of prayer clause (a). The same is without prejudice to the rights and contentions of the Respondents in respect of recovery of the amount fixed at Rs.23,000/- per month by the Small Causes Court.

[R.M. SAVANT, J]