

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

**CIVIL APPLICATION NO. 290 OF 2016
IN
CIVIL REVISION APPLICATION NO. 917 OF 2014**

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. Rajesh Dixit i/b V.R. Tripathi for the Applicant.
Mr. P. J. Thorat for the Respondent No.2.

**CORAM : K. K. TATED, J.
DATED : 17/06/2016**

P.C.:

- . Heard learned Counsel for the parties.
- 2 This application is preferred by defendant for modification of order dated 26.04.2016 passed by this Court in Civil Application No. 917 of 2014.
- 3 The learned counsel for the applicant submits that during the pendency of Appeal No. 119 of 2009 before the Appellate Bench of Small Causes Court, applicant tenant deposited sum of Rs.2,250/- per month by way of compensation. He submits that the Appellate Court passed judgment and decree on 04.08.2014. Therefore, applicant maybe permitted to deposit compensation from the date of order and decree passed by the Appellate Bench of the Small Causes Court. He submits that in view of this fact,

this Hon'ble Court be pleased to modify the terms and conditions as recorded in paragraphs 6 and 8 of the impugned order dated 26.04.2016.

4 Considering the submissions made by the learned counsel for the applicant and as the applicant already deposited the interim compensation @ Rs.2,250/- per month in Trial Court upto the date of passing decree by Appellate Court, I am satisfied that applicant has made out case for modifying of clause nos. 6 and 8 of order dated 26.04.2016.

5 Hence, following order is passed:

a) In order dated 26.04.2016 on page 2 in paragraph 6 in 4th line instead of “**31.01.2009**” it should be “**04.08.2014 and passed by Appellate Bench of Small Causes Court in Appeal No. 119 of 2009**”.

b) On page 2 in paragraph 8 in line Nos. 2 and 3 instead of “**February 2009**”, it should be substituted by “**September 2014**”.

c) The rest of the order remains as it is.

d) The original order shall stand corrected accordingly.

e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)