

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7160 OF 2014

Vinod d. Soni @ Dhorda

.. Petitioner

-Versus-

Vijay D. Soni @ Dhorda @ Vijay

D. Dhorda and Ors.

..Respondents

DI.

Mr. Krishna K. Holambe Patil for petitioner

Mr. Durgaprasad Sabnis i/b. Lex Firms for respndent Nos. 1 and 2

Mr. P.D.Soni respondent No.3 present in court

Mr. Vijay D. Soni respondent No.1 present

CORAM : R.G.KETKAR, J.

DATE : 26th September 2016.

P.C.

1] Heard Mr. Holambe Patil for petitioner and Mr.Sabnis learned Counsel for respondents.

2] Respondent No.3 is present in person and has handed over a copy of an affidavit dated 26th September 2016. In para 5 of the affidavit, the respondent No.3 has stated that he has paid Rs.2,72,610/- till date as electricity charges and maintenance charges. Along with the affidavit, the respondent No.3 has also annexed a chart showing the payment of electricity bill and society maintenance. Mr. Sabnis seeks time to varify

the details given by respondent No.3. He further submits that respondent No.1 is also present in court. Upon taking instructions, Mr. Sabnis states that the respondent No.1 will also pay 50% of the society maintenance and electricity charges.

3] Mr. Holambe Patil submits that appeal is pending before the appellate bench of small causes court. He further submits that let the appellate court decide the issue of quantum, in case there is dispute between the parties while deciding the appeal finally. Mr. Sabnis does not dispute this submission. In view thereof, the petition is disposed of by directing the appellate court to consider the affidavit in reply filed by the respondent No.3 as also decide liability of society maintenance charges and electricity bills by respondents 1 and 3.. The appellate court shall also determine the amount payable under these heads and direct the respondent No.1 and 3 to pay the same accordingly. Let that exercise be done while deciding the appeal by permitting the parties to lead evidence and produce material on record. Petition is disposed of accordingly.

(R.G.KETKAR, J)