

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

*CIVIL APPLICATION NO.629 OF 2016
IN
CIVIL REVISION APPLICATION NO. 33 OF 2009*

Prakash Vishwanath Surve,
Trustee of Shri Surve's Maruti Temple
Trust, Poa Divaka

.. Applicants

Vs

Smt. Anarkali w/o Ramsingh Damanlal & Ors.

.. Respondents

Mr. S. M. Sabrad for the Applicant in CAC No. 629/2016.
None for the Respondent in CAC No. 629/2016.

***CORAM : N.M.Jamdar, J.
Tuesday, 29 November 2016.***

P.C. :

. The matter is listed on board for direction. Board is notified in advance. None appears for the Respondent. On 23 September 2016 following order is passed :-

“Heard Mr. Sabrad, learned Counsel for applicants in Civil Applications No.629 of 2016 and 143 of 2016. None appears on behalf of the opponents (applicants in C.R.A.No.33 of 2009). Leave to amend so as to substitute the date “24.11.2008” by “16.04.2009” in Civil Application No.143 of 2016 is granted. Amendment shall be carried out forthwith.

2. *By Civil Application No.629 of 2016, applicants have prayed for directing the opponents therein to deposit*

the arrears of rent in respect of the suit premises and to go on regularly depositing the future rent.

3. *Mr. Sabrad submitted that by order dated 16.04.2009, C.R.A.No.31 of 2009 and C.R.A.No.33 of 2009 was admitted. By way of interim order, applicants therein were restrained from disposing of, alienating, encumbering, parting with possession or creating any third party right, title and interest in respect of the suit premises. The Executing Court was permitted to levy the attachment upon the suit premises. It was, however, ordered that no further steps in execution shall be taken pending the hearing and final disposal of Civil Revision Applications. Mr. Sabrad submitted that opponents herein have not deposited the rent from admission of these C.R.As.*
4. *By Civil Application No.143 of 2016, applicants have prayed for vacating the interim order dated 16.04.2009 passed by this Court in C.R.A.No.33 of 2009.*
5. *Mr. Sabrad states that he has served both the applications on Advocate K. K. Pandey who appears for applicant in C.R.A.No.33 of 2009. No reply is filed opposing the application. None appears on behalf of opponents.*
6. *In view thereof, list the Applications for directions on '14.10.2016'. In case by next date, opponents do not deposit the arrears of rent, the Court may consider vacating the interim order on the next date of hearing. He assures that he will serve copy of this order on applicants in C.R.A.No.33 of 2009 as also on their Advocate.*

2. The learned counsel for the Applicant states that pursuant to the order, the rent has not been deposited. No reply is

filed. The statement made on affidavit by the Applicant as well as statement made by the learned counsel for the Applicant today have gone uncontroverted. In view of the order dated 23 September 2016, interim relief granted in this Revision Application stand vacated. Civil Application is disposed of accordingly.

(N.M.Jamdar, J.)