

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

**CIVIL APPLICATION NO.634 OF 2015
IN
CIVIL REVISION APPLICATION NO.55 OF 2015**

Mr. Mohd Mehtab Khan and anr. : Applicants/Petitioners
Versus
Khushnuma Ibrahim Khan and ors. : Respondents.

Mr. Drupad Patil for the Applicants.
Mr. Rahul Narichania, Senior Advocate a/w Mr. Prathamesh Kamat i/by
M/s. A Mehta Laljee & Co. for the Respondent Nos. 1 and 2.

CORAM : R. M. SAVANT, J.
DATE : 21st March 2016

P.C.

1 The above Civil Application has been filed seeking the following relief.

“(a) :- This Hon'ble Court be pleased to modify the Order dated 23.9.2015 passed in Civil Application No.472 of 2015 filed in Civil Revision Application No.55 of 2015 to the extent of fixing the additional amount of Rs.2,00,000/- as a condition for grant of interim relief and directing the Applicants to deposit the said additional amount of Rs.2,00,000/-.”

2 In seeking the said relief what the Applicants probably want to contend is that they are not liable to pay at the rate of Rs.50,000/- per month for occupation of the premises in question till the above Civil Revision Application is heard. The genesis of the direction to the Applicants to deposit the amount of Rs.2,00,000/- as issued by this Court (R.M.Savant, J.) by the

said order dated 23/09/2015 lies in the order dated 08/05/2015 passed by Mr. M.S.Sonak, J. Clause 3(C) of the said order is relevant and is reproduced herein under :-

“3)(C) :- Although, the parties are not agreed, it is reasonable to proceed on the basis that the rent which the flat would fetch is in the range of Rs.45,000/- to Rs.50,000/- per month.”

3 Since the Applicants continue to occupy the premises in question and had not deposited the amount of Rs.50,000/- the Applicants had earlier filed Civil Application No.472 of 2015 praying for extension of time to deposit the said amount of Rs.50,000/- by Demand Draft. The reliefs sought in the said Civil Application are referred to in paragraph 2 of the order dated 23/09/2015 passed in the said Civil Application No.472 of 2015. Since the direction to deposit Rs.2,00,000/- has its basis in the order dated 08/05/2015, no relief can be granted to the Applicants in the above Civil Application. However, if the Applicants are aggrieved by the fact that the amount of Rs.50,000/- has been fixed as rent/compensation for the use and occupation of the premises in question, they are at liberty to take appropriate recourse in law against the said order dated 08/05/2015. The above Civil Application is accordingly disposed of

[R.M.SAVANT, J]