

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

WRIT PETITION NO.4904 OF 2015

Shashikumar M. Sharma

... Petitioner

Versus

The United India Insurance Co. Ltd.

... Respondents

.....

Mr. Y.R.Shah with Ms. Aditi Bhat, Advocates for the Petitioner.

Mr. V.Y.Sanglikar , Advocate for Respondent No.1.

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CORAM : R.M. BORDE, J.

DATE : 20TH SEPTEMBER, 2016

P.C. :

. The Petitioner is objecting to the orders imposing damages to the tune of Rs.88,513/- per month together with simple interest on account of unauthorised use and occupation of the premises. The order passed by the Estate Officer has been confirmed by the Appellate Authority. So far as the possession of the property is concerned, it is informed that the possession has been assumed by the Respondent/Landlord. It is informed that total dues payable by the Petitioner without computation of interest would be more than Rs.60 Lakhs. The Petitioner was asked as to whether he is willing to deposit Rs.30 Lakhs in this Court as pre-condition for consideration of his grievance. However, the Petitioner states that he is not in a position to deposit the amount. Considering this aspect since the order under challenge is in the nature of recovery of amount and since the Petitioner is not willing to deposit any amount in this Court, the petition

does not deserve consideration in exercise of the powers conferred under Article 227 of the Constitution of India. The Petition is devoid of substance and the same is, accordingly, dismissed.

(R.M. BORDE, J.)