

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

CIVIL APPLICATION NO.167 OF 2016

IN

WRIT PETITION NO.4028 OF 2014

Shri. Satish Chhaganlal Khatri

.. Applicant

IN THE MATTER OF

Shri. Bharat Jaywant Yelkar

.. Opponent/Org. Petitioner.

Versus

Shri. Satish Chhaganlal Khatri

.. Respondent

Mr. Shreyas S. Adyanthaya, for the Applicant/ Org. Respondent.

Mr. Vikram Chavan, for the Respondent/Org. Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 2nd MARCH 2016

PC.

1. By the above Civil Application, the Applicant who is the original Respondent to the above Writ Petition has sought the following reliefs :-

“a) That the present Civil Application may kindly be allowed.

b) That the Applicant be kindly permitted to withdraw the amount of Rs.3,00,000/- deposited in the Hon'ble Court as per the order dated 31.08.2015.

c) That the Applicant be permitted to withdraw the further amount of compensation deposited by the Opponent as per the order dated 31.08.2015 as and when deposited.

d) For such other and further reliefs as this Hon'ble Court may deem fit in the interest of justice.”

2. The Applicant is the licensor of the premises in question and the Respondent herein i.e. the original Petitioner is the licensee. The proceedings have culminated in the decree being passed in favour of the Applicant herein by the Lower Appellate Court. The licensee therefore filed the above Writ Petition which has been admitted on 23.04.2014. The decree was stayed on the condition that the original Petitioner i.e. the Respondent herein makes the payment of interim compensation at the rate of Rs.15,000/- per month from 17.01.2014 onwards and continues paying at the said rate pending the above Petition.

3. It seems that the Respondent herein has accordingly deposited a sum of Rs.3,00,000/- towards the arrears for 20 months and has been depositing at the rate of Rs.15,000/- per month in this Court. Hence, by way of the above Civil Application the reliefs which have been mentioned herein above have been sought. The admitted licence fees are Rs.5,500/- per month. However, as indicated above, a Learned Single Judge of this Court by order dated 31.08.2015 has directed the Respondent herein to pay interim compensation at the rate of Rs.15,000/- per month. The said

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compensation has been fixed for the reasons mentioned in the said order dated 31.08.2015. In my view, it would be just and proper to allow the Civil Application to the extent of permitting the Applicant i.e. the original Respondent to the Writ Petition to withdraw the amount which has been deposited calculated on the basis of Rs.5,500/- per month till date. The office is directed to invest the balance of the amount in a fixed deposit of a Nationalized Bank initially for a period of two years and to be renewed thereafter for such periods as the Learned Registrar, Judicial-(I) of this Court deems it appropriate. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]