

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3 OF 2016
IN
CIVIL REVISION APPLICATION NO.370 OF 2010**

M/s. Bajaj Industries : Applicant

In the matter between

M/s. Bajaj Industries : Applicant

Versus

M/s. Hindustan Press : Respondent

Mr. P J Thorat for the Applicant.

**Ms. Manorama Mohanty a/w Mr. A P Singh i/by S K Srivastava & Co. for
the Respondent.**

**CORAM : R. M. SAVANT, J.
DATE : 07th January 2016**

P.C.

1 The above Civil Application is filed by the Applicant/Petitioner seeking permission that the Applicant be permitted to deposit a sum of Rs.20,000/- p.m. in the Small Causes Court, Mumbai in the account of RAD Suit No.6205 of 1986 towards the rent and monthly maintenance charges of the suit premises.

2 The said amount has been fixed by the order dated 27/02/2006 passed by a learned Single Judge of this Court in Writ Petition No.6961 of 2005 which has already been disposed of. The said Writ Petition was arising out of the interlocutory order passed in L.E. & C. Suit No.43/52 of 2003 filed by the

Respondent herein who is the landlord. The proceedings in the said L.E. & C. Suit No.43/52 of 2003 have been stayed pursuant to the interim order passed in the above Civil Revision Application. The above Civil Revision Application has been filed by the Applicant i.e. the original Civil Revision Applicant challenging the part decreeing of the said suit being RAD Suit No.6205 of 1986 by the Courts below. The above Civil Revision Application has been admitted and is pending hearing and final disposal. In view of the fact that the L.E. & C. Suit No.43/52 of 2003 filed by the Respondent has been stayed by the order dated 05/11/2011 passed by the Appellate Bench of the Small Causes Court in Revision Application No.68 of 2011, the direction to deposit issued by the order dated 27/02/2006 passed in Writ Petition No.6961 of 2005 would continue to operate as the said deposit is to be made pending litigation between the parties as directed by the said order. On the apprehension that the Trial Court may not accept the amount from January 2016 onwards, that the instant Civil Application has been filed.

3 In my view, having regard to the directions which are already issued vide order dated 27/02/2006 passed in the said Writ Petition No.6961 of 2005, and since the L.E. & C. Suit No.43/52 of 2003 is admittedly pending, it would be just and proper to permit the Applicant to deposit the said amount of Rs.20,000/- per month in terms of the said order dated 27/02/2006 passed in Writ Petition No.6961 of 2005. It is made clear that the said directions

would operate pending the said L.E. & C. Suit No.43/52 of 2003. With the aforesaid directions, the above Civil Application is disposed of.

[R.M.SAVANT, J]