

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION [W] NO.2570 OF 2015

IN

WRIT PETITION NO.6856 OF 2013

[Prithviraj s/o Chandusingh Chavan .vs. Sub-Divisional Officer/Rent Controller, Pusad and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.V. Band, Advocate for the applicant-petitioner,
Mr. S.M. Bhagde, AGP for the respondent nos.1 and 3,
Mr. V.N. Patre, Advocate for the respondent no.2.

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CORAM : PRASANNA B. VARALE, J.

DATED : JANUARY 12, 2016.

Heard.

This is an application seeking restoration of stay granted by this court by order dated 18.3.2015 and for extension of time to deposit arrears of rent. By order dated 18.3.2015, considering the issue involved in the present writ petition, this court granted relief making it returnable early. This court also granted interim order in favour of the petitioner, subject to deposit the amount of license fee at the rate of Rs.2000/- from 15.3.2015, till the date of the order, within a stipulated period and the petitioner was further directed to continue to pay the amount at the rate of Rs.2,000/- per month in advance on or before 10th of the every month to the respondent no.2.

On perusal of the order-sheet and the contents of the application, it seems that the petitioner was not in a position to comply the order of depositing the amount in stipulated period as directed by this court. This court, by order dated 15.9.2015 granted extension of three months to deposit the amount and

further observed that if the amount is not paid within the period stipulated, the interim order shall stand vacated without reference to the court.

Mr. Band, the learned counsel for the applicant-petitioner, submits that the petitioner, in compliance of the order of this court dated 15.9.2015, deposited an amount of Rs.25,000/- towards arrears of rent and as on today, the arrears of rent due and payable in compliance of the order of this court is at the rate of Rs.53,000/-. He further submits that the applicant-petitioner is an unemployed and as such he earns his livelihood as and when some work is assigned to him. Mr. Band further submits that only source of livelihood of the applicant-petitioner was an agricultural land at village Palodhi and the applicant-petitioner is now disposing of that land. The applicant-petitioner expects transaction to be completed within a short period. Mr. Band further submits that though the applicant-petitioner has prayed for extension of two months time, the applicant-petitioner would comply the order of this court within a period of two weeks from today i.e. the applicant-petitioner would deposit balance amount of Rs.53,000/- within a period of two weeks from today and would pay the amount at the rate of Rs.2,000/- per month, as directed by this court by order dated 18.3.2015 in advance on or before 10th of every month to the respondent no.2.

Mr. Bhagde, the learned Assistant Government Pleader for respondent nos.1 and 3 and Mr. Patre, the learned counsel for the respondent no.2 though oppose the application, considering the grounds raised in the application expressing the inability of the applicant-petitioner to deposit the amount in stipulated time frame and also considering the facts stated in the application that the applicant-petitioner would raise the amount by sale of his agricultural land and an undertaking in this court given by the applicant-petitioner that the applicant-petitioner

would deposit the balance amount of Rs.53,000/- within a period of two weeks from today, the application is allowed in terms of prayer clause (i), subject to the applicant-petitioner depositing the arrears of rent within a period of two weeks from today. Needless to state that if the amount is not deposited within a period of two weeks from today, the interim relief granted in favour of the applicant-petitioner stands vacated, without further reference to this court.

Civil Application stands disposed of accordingly.

JUDGE

Gulande