

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

**CIVIL APPLICATION NO.57 OF 2017
IN
CIVIL APPLICATION NO.611 OF 2014
IN
CIVIL REVISION APPLICATION NO.652 OF 2013**

M/s. Hugo Wachmann India Pvt. Ltd. ..Applicant

IN THE MATTER BETWEEN

**M/s. Hugo Wachmann India Pvt. Ltd. and another ..Applicants
Versus**

Rasiklal M. Nagrecha and others ..Respondents

Mr. Francisco D'Souza for the Applicant.

Mr. S. H. Patel for the Respondents.

CORAM : R. M. SAVANT, J.

DATE : 5th MAY, 2017

PC.

1 The above Civil Application has been filed for condonation of delay in making the payment of the outstanding arrears of the interim compensation for the period of four months. It is the case of the Applicant that the outstanding arrears are only to the tune of Rs.2,80,000/- upto April 2017. It is required to be noted that by an ad-interim order dated 08.07.2015 passed in Civil Application No.611 of 2014 the interim compensation was fixed at Rs.25,000/- and an amount of Rs.10,00,000/- was directed to be deposited towards the arrears of

rent and permitted increases etc. Thereafter by further order dated 20.10.2015 the interim compensation was fixed at Rs.70,000/- per month from 01.06.2013 and the Respondent/landlord was granted liberty to withdraw an amount of Rs.9,56,284.70 which was deposited towards the arrears of rent and permitted increases from April 1985 i.e. out of the amount of Rs.10,00,000/-. Hence, the interim compensation came to be fixed at Rs.70,000/- from 01.06.2013 by order dated 20.10.2015. In so far as the ad-interim order dated 08.07.2015 fixing the interim compensation at Rs.20,000/- is concerned, the currency of the said order was therefore only for a period of three months. According to the Learned Counsel appearing for the Respondent, the amount of Rs.2,80,000/- has been calculated by the Applicant by seeking to appropriate the amount of Rs.10,00,000/- which were deposited towards arrears of rent and permitted increases. According to the Learned Counsel that cannot be permitted and therefore the amount of arrears in respect of the interim compensation now payable at Rs.70,000/- from 01.06.2013 is in the sum of Rs.32,20,000/-, out of which the Applicant has deposited Rs.18,63,163/- and therefore outstanding Rs.13,56,837 as on April 2017. This therefore is the amount in respect of the arrears to be deposited on account of the interim compensation fixed at Rs.70,000/-.

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states that the Applicant would deposit an amount of Rs.2,80,000/- plus Rs.70,000/- for May 2017 in this Court today. Statement accepted. Hence, the balance remaining after deducting Rs.2,80,000/- is Rs.11,76,837/-. The Applicant to deposit 50% of the said amount by 31.05.2017 and the balance 50% by 15.06.2017. List the above Civil Revision Application for directions on 16.06.2017. The Learned Counsel for the Respondents Mr. S. H. Patel states that till 19.06.2017 the execution proceedings would not be proceeded with. Statement accepted. The Civil Application is accordingly disposed of.

3 It is made clear that no further time would be granted to deposit the amount.

[R.M.SAVANT, J]