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

CIVIL APPLICATION NO. 239 OF 2017
IN
CIVIL REVISION APPLICATION NO. 601 OF 2009

Naresh Dhirajlal Shah (deceased) through LRs.
Purvi Naresh Shah ...Applicant.

vs

Champaklal Gordhandas Voras (deceased) the
LRs Prakash Champaklal Vora ...Respondent.

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Mr A.S.Khandeparkar a/w Amogh Karandikar i/b M/s
Khandeparkar & Associates for the Applicant.

Mr M.M.Vashi Sr. Advocate a/w Ms Foram Vora i/b M.P.Vashi &
Co. for Respondent Nos.2 and 3.

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**CORAM : B. P. COLABAWALLA, J.
JULY 10, 2017.**

P.C. :

This Civil Application has been filed to extend the
time to deposit the arrears in payment of rent from May 2015 to
April 2017 at the rate of Rs.17,500/- per month as directed by
the order dated 20th April, 2017.

2 By an order dated 20th April, 2017, this Court
directed the Applicant to pay an amount of Rs.25,000/- per

month for occupation of the suit premises pending the disposal of above Civil Revision Application. The Court further ordered that this amount would have to be paid from 28th April, 2015 after deducting the amount of Rs.7,500/- per month already paid by the Applicant. The difference that would accrue was directed to be deposited in this Court within 12 weeks from 20th April, 2017.

3 Mr Khandeparkar, learned advocate appearing on behalf of the Applicant states that the total arrears that are to be deposited by the Applicant is Rs.4,20,000/-. He submits that, the 12 weeks period expires on 12th July, 2017. He states that Rs.2,10,000/- is ready with the Applicant and shall be deposited by 12th July, 2017. He only seeks extension of time of 12 weeks to deposit the balance amount of Rs.2,10,000/-. He further states that as far as the monthly compensation of Rs.25,000/- is concerned, the Applicant has been depositing the same in time and shall continue to do so till the final disposal of the Civil Revision Application.

4 This request of Mr Khandeparkar was vehemently

opposed by Mr Vashi, learned Sr. advocate appearing on behalf of Respondent Nos.2 and 3. He submits that this litigation is nothing but a luxury litigation and no indulgence can be shown to the Applicant. He submits that in these circumstances, no extension ought to be granted.

5 Having heard both the sides and considering that the Applicant is ready and willing to deposit Rs.2,10,000/- by 12th July, 2017, I think that interest of justice would be served if one last extension is granted to the Applicant to deposit the arrears. In these circumstances, the following order is passed.

ORDER

- (i) The Applicant shall deposit the sum of Rs.2,10,000/- towards the arrears by 12th July, 2017;
- (ii) As far as the balance amount of Rs.2,10,000/- is concerned, the same shall be deposited on or before 11th September, 2017. It is made clear that no further extension shall be granted;

- (iii) As far as the monthly compensation of Rs.25,000/- is concerned, the Applicant shall deposit the sum of Rs.25,000/- per month on or before 10th day of each month;
- (iv) If the applicant commits a default in depositing the arrears of compensation as directed in clauses (i) and/or (ii) above or commits any two defaults (not two consecutive defaults as ordered earlier) in depositing the monthly compensation as directed in clause (iii) above, the interim relief granted would stand automatically vacated without further reference to the Court.

6 The Respondents shall be at liberty to withdraw the amounts deposited along with interest, if any, and also future deposits, subject to them furnishing the Bank Guarantee to the satisfaction of the Registrar. The Civil Application is disposed of in the aforesaid terms. There shall be no order as to costs.

(B. P. COLABAWALLA, J.)