

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 19946 OF 2016

Sunil Roopchand Chopra	...Petitioner
<i>Versus</i>	
Habib Husein Karmali Patel	...Respondent

Mr Ajaykumar Singh, *for the Petitioner.*
Ms Aditi Naikare, *i/b Pradeep J Thorat, for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 14th November 2017

PC:-

1. The challenge is to an Appellate order dated 7th May 2016 allowing the Petitioner's application for stay subject to deposit of Rs.15,000/- per month. The Petitioner says the amount is very high. It is argued that the Petitioner uses this for residence and the premises are in Dharavi. There is the usual plea that the Petitioner cannot afford to pay so much for these premises.

2. I find from the Appellate order that it is not merely an ad-hoc decision but there is careful consideration of surrounding circumstances. Ultimately the Court exercised its discretion. There is also an order against the Petitioner of unlawful subletting. The correctness of that finding is even yet the subject matter of the Appeal.

If the Petitioner wants a stay, it has to be on terms. The challenge before the Petitioner today is to demonstrate that the impugned order is either perverse or suffers from such irregularity or illegality that interference by this Court in exercise of its writ jurisdiction is inevitable. This is not demonstrated.

3. The Writ Petition is rejected. No costs.

(G. S. PATEL, J.)