

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2745 OF 2014
IN
FIRST APPEAL NO. 1297 OF 2012

Jamil Ahmed Khan .. Applicant/Appellant
vs.
Nakhuda Mohammed Ali Rogay .. Respondent

Mr. P. S. Gidwani for Applicant / Appellant.
Mr. D. S. Patil for Respondent.

CORAM : M. S. SONAK, J.
DATE : 21 MARCH 2017

P.C :

1] For the reasons stated in order dated 21 March 2017, disposing of Civil Application no. 3974 of 2013, the execution of the impugned decree is stayed subject to the following conditions :

(a) The appellant shall file an undertaking on affidavit, within four weeks from today, in this Court, that he is in possession of the suit premises. In the affidavit, he shall state the names and details of the family members, who are residing with him.

(b) The appellant shall also undertake to this Court in the said undertaking that he will not transfer, part with possession, alienate or create any third party rights in respect of the suit premises;

(c) The appellant shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred) per month as compensation for the use of the suit premises on or before 10th day of each succeeding month, w.e.f. 30 June 2012 which is the date of the decree.

(d) The arrears shall be deposited and cleared by the appellant within a period of twelve weeks from today.

(e) In case of two consecutive defaults or three non consecutive defaults in the payment of compensation amount, this interim order shall stand vacated without any further reference to this Court. The decree holder, then be entitled to execute the decree.

2] The Civil Application is disposed of in the aforesaid terms.

(M. S. SONAK, J.)

Chandka