

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.59 OF 2016**

in

CIVIL REVISION APPLICATION NO.557 OF 2015

Saroj Praveen Desai		Applicant
vs		
Mahesh Govardhandas Sheth ..		Respondent

with CIVIL APPLICATION NO.664 OF 2015

in

CIVIL REVISION APPLICATION NO.557 OF 2015

Mahesh Govardhandas Sheth	..	Applicant
vs		
Sarof Praveen Desai		.. Respondent

Mr.Nitin Dalvi for Applicant in C.A.No.59/2016
Mr.Aniket Ransube I.b Mr.Ajay Basutkar for Respondent
in CA No.59/2016 and for Applicant in C.A.No.664/2015

Coram : G.S.KULKARNI, J

Date : 15 DECEMBER 2017

P.C.

Heard Mr.Dalvi learned counsel for the applicant/petitioner
in Civil Application No.59 of 2016 and Mr.Ransube for respondent.

2. It appears that there are findings as recorded by the
learned trial Judge and confirmed by the appellate Court, in favour
of the applicant, in regard to the arrears of maintenance to be paid

by the respondent-tenant. From the submissions as made by the learned counsel for the respondent-tenant, it appears that the respondent-tenant has some reservation on the quantum of the arrears of the amount. If this is the only contention and in the past, the maintenance amounts were paid by the respondent-tenant, it would be appropriate that the respondent-tenant approaches the society/condominium and find out the exact amount of maintenance and whatever amount of maintenance is due and payable qua the premises in question, the said amount shall be deposited/paid by him directly to the society.

3. Needless to observe that if any amount was earlier deposited or paid by the respondent-tenant, the same be accounted for.

4. In regard to Civil Application No.664 of 2015 as filed by the respondent-tenant, prayer is that the respondent-tenant be permitted to deposit the maintenance charges in this Court during the pendency of the present appeal. In view of the above directions in Civil Application No.59 of 2016 this prayer would not survive.

5. As regards the prayer that the respondent-tenant be

permitted to deposit the rent from the period January 2014 onwards, Mr.Dalvi learned counsel for the petitioner/landlady makes a statement that his client is ready and willing to accept the rent and the arrears from January 2014.

6. Needless to observe that in view of the above directions, the respondent-tenant shall regularly make payment of the maintenance to the Society/Condomonium, as also the rent.

7. Civil Applications are accordingly disposed of in the above terms. No costs.

Parties to act on an authenticated copy of the order.

(G.S.KULKARNI, J)

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c.o.in 664.15.and dalvi.c.a.59.16