

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION ST.NO.27185 OF 2017
IN
APPEAL FROM ORDER st. NO.14257 OF 2017

Barkha Ashok Rajpal ... Applicant/appellant
Vs.
Gulab Naikram Herani & anr. ... Respondents

Mr.R.D. Joshi for the Appellant
Mr.Shreepad Murthy with Abhishek Patil for Respondent No.1
Mr.Vaibhav Jagdale i/b Amit Dabhekar for Resp. No.2

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 25th SEPTEMBER, 2017

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicant/lady has moved this application for modification of the order dated 11.9.2017 in Appeal from Order.
3. The learned Counsel for the applicant submits that on 22.9.2017, respondent No.2 husband gave keys of the premises where she is supposed to shift and when she went there, she found that it is a 1 BHK flat and it is in a SRA scheme building. It is submitted that the applicant is not used to live in such surrounding. After marriage, she has stayed in Santacruz and she is from Jalgaon. The learned Counsel for Respondent No.2 / husband submits that

the said flat is taken on leave and licence basis from 12.3.2017 March till 11.3.2018.

4. After an open discussion in the Court, the following solution is found to be appropriate and accordingly the order is passed as under:

i) The applicant/lady shall shift on or before 29.9.2017 from the residence of respondent No.1 / father in law at Santacruz to the tenanted premises and will continue to stay in the tenanted premises till 31.12.2017.

ii) Respondent No.2 shall deposit every month Rs.22,000/- i.e., the lease rent of the tenanted premises in the City Civil Court, Mumbai, without prejudice, on the first date of each month till further orders by the trial Court or family Court.

iii) The applicant/lady may search for another suitable accommodation and the trial Court to allow her to withdraw Rs.2,000/- in the first week of every month.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)