

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

WRIT PETITION NO.12154 OF 2016

**Shree Diamond Centre Premises
Through its Authorised Signatory
Mahesh Damodar Parikh**

: Petitioner.

versus

**M/s. New Dholera Shipping and
Trading Company Ltd.**

: Respondent.

**Mr. R D Soni a/w Mr. V R Kasle i/by Ms. Meena R Sharma for the
Petitioner.**

**Mr. P K Dhakephalkar, Senior Advocate a/w Mr. Atul i/by Markand Gandhi
for the Respondent No.1.**

CORAM : R. M. SAVANT, J.

DATE : 03rd MAY 2017

P.C.

1 The order dated 03/02/2015 passed by the Appellate Bench of the Small Causes Court granting stay on the conditions mentioned in the said order is taken exception to by way of the above Writ Petition. In terms of the quantum fixed by the said order, the liability of the Petitioner in so far as arrears are concerned is to the tune of Rs.2,96,36,754/-.

2 The learned counsel for the Petitioner Shri R D Soni has tendered a pursis containing therein the schedule for clearing the arrears of Rs.2,96,36,754/-. The first installment of Rs.74,09,188=50 would be paid on or before 01/07/2017. Thereafter succeeding installments of the same amount would be deposited on or before 01/09/2017, 01/11/2017 and 01/01/2018.

This is in respect of the arrears. However, in so far as the monthly compensation to be deposited is concerned, the same would be deposited by 15th of each month. The pursis containing the schedule is taken on record and marked as "X" for identification. In the said pursis the dates written in hand are the dates for the deposit of the installments. It is made clear that if there is a default in deposit of the installments in respect of the arrears or any two consecutive defaults in respect of deposit of monthly compensation, then the interim order would stand vacated. The interim order passed by the Appellate Bench of the Small Causes Court would now stand modified and confirmed to the extent mentioned above. Needless to state that the Appeal would be tried on its own merits and in accordance with law. Needless to further state that there is now no warrant for the Respondent No.1 to proceed with the execution of the impugned order. With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]