

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 100 OF 2017
IN
FIRST APPEAL NO. 19 OF 2017

Smt. Rajkumari R. Surju and ors.

.. Applicants

vs.

Guest Keen Williams Ltd.

.. Respondents

Mr.R.D.Misra for the Applicants-Appellants.

Mr. A.A. Kumbhakoni, Senior Advocate a/w. Mr. Dharam Sharma
and Ms Uma Sharma i/b Dharam & Co. for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 28 FEBRUARY 2017.

P.C. :-

1] Heard Mr. R.D. Misra, learned counsel for the applicants and
Mr.A.A. Kumbhakoni, learned senior advocate for the respondents.

2] The impugned decree, virtually orders the eviction of the
applicants-appellants, though, the relief is worded so as to injunct
the appellants from entering into the suit premises.

3] There shall be a restraint upon execution of the impugned
decree pending disposal of this appeal subject to the following
conditions:

a] The appellants-applicants shall deposit an amount of
Rs.15,000/- per month, with effect from 1 November 2016, on
or before 10th day of each succeeding month. The arrears
between 1 November 2016 and 31 March 2017 shall be
deposited within a period of eight weeks from today.

Thereafter, on or before 10th day of each succeeding month, the appellants shall regularly deposit an amount of Rs. 15,000/- per month in this court;

b] In case of any two consecutive or three non-consecutive defaults, this interim order shall stand vacated;

c] In addition to deposit of Rs.15,000/- per month as aforesaid, the appellants shall also pay to the respondents directly by way of cheque or demand draft an amount of Rs.5000/- per month towards proportionate electricity and water charges;

d] The aforesaid arrangement is clearly without prejudice to the rights and contentions of both the parties; and

e] Further, the appellants-applicants are also restrained from parting with possession or creating any third party rights in respect of suit premises. The appellants-applicants are also restrained from undertaking any business or commercial activities from the suit premises.

4] The civil application for stay is disposed of in the aforesaid terms.

(M. S. SONAK, J.)