

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

CIVIL APPLICATION NO.414 OF 2017

IN

CIVIL REVISION APPLICATION NO.435 OF 2017

Satishchandra Ramprasad Gupta] Applicant

IN THE MATTER BETWEEN:

S.S. Rampure Cloth Stores through	]	
Suryakant Vitthalrao Rampure & Ors.	]	Applicants

Vs.

Satishchandra Ramprasad Gupta] Respondents

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Mr. Samir Kumbhkoni, for Applicant in C.R.A.

Mr. S.P. Rajepandhare, for Applicant in Civil Application and for Respondent in C.R.A.

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CORAM : R.G. KETKAR, J.

DATE : 15 TH MARCH, 2018.

P.C.

Heard Mr. Kumbhkoni, learned Counsel for the Applicant in C.R.A and Mr. Rajepandhare, learned Counsel for the Applicant in Civil Application and the Respondent in C.R.A at length.

2. By this application, the applicant who is respondent in Civil Revision Application No.435 of 2017 has prayed for vacating interim relief granted by this Court on 10th October, 2017.

3. By order dated 10th October, 2017, this Court admitted the Civil Revision Application by issuing rule and ad-interim relief was granted subject to imposing following conditions:

- [1] Applicants to file the usual undertaking in this Court within a period of four weeks from today.
- (b) Applicants to deposit in this Court compensation @ Rs. 15,000/- per month effective from May, 1, 2017;
- (c) The aforesaid deposit be made on or before 10th day of each months;
- (d) Time to deposit arrears will be six weeks.

3. Mr. Rajepandhare submitted that the applicants in Civil Revision Application have not filed usual undertaking in this Court within stipulated period as also have not deposited compensation @ Rs. 15,000/- per month with effect from 1st May, 2017. Though time of six weeks was granted for depositing the arrears, the applicants in C.R.A have not complied with that direction.

4. No reply is filed opposing the application. Mr. Kumbhkoni appearing for applicants in C.R.A submits that in fact matter was yesterday before the Executing Court. The statement was made before the Executing Court that the applicants in C.R.A have not deposited the amount.

5. As the interim order in terms of prayer clause (e) was granted on the aforesaid conditions, the same are not complied with. Hence, ad-interim order is vacated. Civil Application is disposed of with no order as to costs.

[R.G. KETKAR, J.]