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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 326 OF 2018
WITH
CIVIL APPLICATION No. 429 OF 2018

Anil Sakharam Vichare	...	Appellant
Vs.		
Madhuri Vivek Chavan & Ors.	...	Respondents

Mr. Girish Utangale a/w Chetan R. Mhatre I/b Utangale & Co.,
for the Appellant.

Mr. A. V. Chatuphale, for Respondent No. 3.

CORAM : V. M. DESHPANDE, J.

DATE : JULY 9, 2018

PC :-

1. Heard the learned counsel for the Appellant and the learned counsel for the Respondents. The dispute is between brother and his married sisters. The sisters filed a suit against their brother who is present Appellant, being Suit No. 102 of 2013. The dispute in the suit is for sell of the disputed flat. The court is not going into merits and demerits of the prayers made in the plaint. Pending the suit, plaintiff's sisters filed an

application for interim injunction restraining their brother from creating third party interest. The learned Judge of the court below has passed order on 17.7.2015. The learned Judge, in my view, has passed the order in order to meet the ends of justice. However, according to the learned counsel for the Appellant, the impugned order needs to be modified since the license fee which the Appellant is receiving is not Rs. 30,000/-, as stated in the order, but it is Rs. 14,000/-. The learned counsel for the Appellant fairly stated before this Court that Appellant is ready to deposit license fee after deducting society charges of Rs.1,500/-.

2. Learned counsel for the Respondents also agreed with this submission. In that view of the matter, though the entire impugned order is maintained, the operative portion of the order passed by the trial court is substituted by following order:

- (i) The defendants shall deposit the license fee of Rs.14,000/- receivable from the licensee, inducted in

the suit flat No. 3, Anuja Co-op. Housing Society Ltd. 81, Datar Colony, Bhandup (East), Mumbai 400042, in the court below on or before 15th day of every month after deducting society charges of Rs.1,500/-, from August, 2018;

- (ii) Needless to state that during pendency of the suit if the licensee vacates the suit flat and nobody is inducted as licensee, in that event, there is no necessity for the Appellant to deposit any amount;
 - (iii) With these directions, appeal is disposed of. All civil applications filed in this appeal are also disposed of.
- No costs.

Sd/-
[V. M. DESHPANDE, J.]

Vinayak Halemath