

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.752 OF 2016

Rubberwala Housing and Infrastructure
Ltd., Mumbai

.... Appellant

V/s.

Deepak Ishwar Kumbhar and Anr.

.... Respondents

Ms. Kavita A. Shah for the Appellant-Applicant.

Mr. Sameer R. Bhakekar for Respondent No.1.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 28TH AUGUST, 2018.

P.C. :

1. Heard Ms. Shah, learned counsel for the Appellant-Applicant, and Mr. Bhakekar, learned counsel for Respondent No.1.

2. Learned counsel for Respondent No.1 submits that, he has no objection if the impugned order passed by the Trial Court is modified, directing the Appellant to deposit or pay to Respondent No.1 the amount of Rs.9,000/- per month from 2nd July 2013 till 1st October 2018, without prejudice to the rights and contentions of Respondent No.1, which he will take up at the time of hearing of the Suit.

3. Learned counsel for the Appellant has no objection to accept this statement.

4. Accordingly, the impugned order dated 10th June 2016 passed by the 1st Additional Principal Judge of the City Civil Court, Bombay, in Notice of Motion No.1522 of 2015 in S.C. Suit No.1743 of 2012, is modified. The Appellant is directed to deposit or pay to Respondent No.1 the compensation at the rate of Rs.9,000/- per month from 2nd July 2013 till 1st October 2018. 50% of the total compensation amount to be deposited by the Appellant in the Trial Court within a period of four weeks from today and the remaining 50% of the compensation amount to be deposited within four weeks thereafter.

5. Respondent No.1 is at liberty to withdraw the said amount.

6. The Appeal is disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]