

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION (ST.) NO.24300 OF 2018
WITH
CIVIL APPLICATION (ST.) NO.24306 OF 2018
IN
CIVIL REVISION APPLICATION (ST.) NO.24300 OF 2018
(Dharmendra Gordhandas Modi and another Vs. Kirit Ramdas Kapadia and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Mr. Gautam Ankhad i/b. M/s. Shukla & Associates for Applicants.
Ms Eventa Gonsalves for Respondents No.1 and 3 to 6.
Mr. Sunny Shah i/b. Ashok Purohit & Co. for Respondent No.2.

CORAM : R. G. KETKAR, J.
DATE : 28TH AUGUST, 2018

P.C.:

Not on Board. At the request of Mr. Ankhad, taken up in the production Board.

2. Heard Mr. Ankhad, learned Counsel for the applicants, Ms Gonsalves, learned Counsel for respondents No.1 and 3 to 6 and Mr. Shah, learned Counsel for the respondent No.2.

2. Mr. Ankhad submitted that by order dated 14.08.2018, the Appellate Bench of the Small Causes Court has stayed order dated 05.05.2018 passed in Appeal No.180 of 2007 in R.A.E.Suit No.3880 of 1983 till today i.e. 28.08.2018. He states that applicants are complying

order dated 19.04.2012 passed by this Court in Writ Petition No.1963 of 2012 by depositing compensation inclusive of contractual rent quantified @ Rs.4,500/- per month instead of Rs.10,000/-, as ordered by the Appellate Court. On instructions, Mr. Ankhad further states that applicants are in possession and nobody else is in possession. Applicants have neither created third party interest nor parted with possession. Applicants will hereafter neither create third party interest nor part with possession of the suit premises.

3. In view thereof, subject to the applicants neither creating third party interest nor parting with possession of the suit premises as also complying order dated 19.04.2012 passed in W.P.No.1963 of 2012, there shall be ad-interim order in terms of prayer clause (b). List the Application for 'admission' on 24.09.2018.

4. Civil Application (St.) No.24306 of 2018 is filed for stay of the eviction decree. As the applicants have already prayed for the same relief in terms of prayer clause (b) of the C.R.A., Civil Application (St.) No.24306 of 2018 does not survive and the same is disposed of.

(R. G. KETKAR, J.)