

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

REVIEW PETITION NO.157 OF 2018

IN

WRIT PETITION NO.1841 OF 2016

Nellaiappan S. Pillai & Anr	]	Petitioners
Vs.		
Krishna Arjun and Anr.	]	Respondents

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Mr. Yogendra M. Kanchan, for Applicant-petitioner.

Mr. V.S. Kapse i/b Shweta Kamble for Respondent No.1.

Mr. S.D. Rayrikar, A.G.P, for Respondent No.2.

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CORAM : R.G. KETKAR, J.

DATE : 19TH NOVEMBER, 2018.

P.C.

Heard Mr. Kanchan, learned Counsel for the applicant-petitioner, Mr. Kapse, learned Counsel for respondent No.1 and Mr. Rayrikar, learned A.G.P. for respondent No.2.

2. By this Petition under section 114 r/w Order-XLVII, Rule-1 of the Code of Civil Procedure, 1908 (for short 'C.P.C'), the petitioners have sought review of the order dated 12th October, 2018. By that order, Civil Application No.423 of 2017 was disposed of on the ground that as respondent No.1 has paid arrears of licence fee up to 30th September, 2018, nothing survives in the aforesaid application.

3. Mr. Kanchan has invited my attention to the order dated 17th November, 2017 passed by this Court [Coram: G.S. Patel, J.]. By that order,

rule was issued on the above said application and civil application was adjourned for hearing and final disposal for fixation of compensation. He submitted that by order dated 12th October, 2018, C.A was disposed of without fixing reasonable compensation.

4. I find merit in the submission of Mr. Kanchan. Hence, para 4 of the order dated 12th October, 2018 stands deleted. Review Petition stand allowed to this extent only. C.A. is restored to the file of this Court to its original position. **List the Civil Application for further hearing before the regular Court on 4th December, 2018.** It is made clear that I have not examined merits of the case. All contentions of the parties on merits are expressly kept open.

5. Mr. Kapse states that respondent No.1 is present in the Court. Upon taking instructions from her, he states that within two weeks from today, demand draft in the sum of Rs. 60,000/- will be drawn in favour of the petitioners covering compensation for the months of October and November, 2018 @ Rs. 30,000/- per month. Statement is recorded. Order accordingly.

[R.G. KETKAR, J.]