

CIVIL APPLICATION NO. 2230 OF 2019
IN
WRIT PETITION NO. 8056 OF 2018

Mumtaz Khan Khudabaksh ...Applicant
Versus
 Mrs. Aajul Abubaker Abdul Rauf Khan & ...Respondents
 Ors.

S. A. Jabbar i/b Tanvir Shaikh – Advocate for the applicant
Vivek Pandey – Advocate for the respondent (original petitioner)
A. R. Metkari – AGP for the respondent – State.

DATE : 25th NOVEMBER 2019.

P.C. :

The applicant is the plaintiff. He sued the respondents for a declaration, recovery of possession, and other consequential reliefs. He has maintained that the respondents are trespassers. In the course of time, before the trial Court the applicant has taken out a few notices of motion and all of them were allowed.

2. Eventually, against the order dated 13.06.2018, in the notice of motion No. 175 of 2017, the respondents-defendants filed Writ Petition No. 8056 of 2018. This Court disposed it of, through an order dated 26.07.2018. In fact, the Writ Petitioners—that is, the defendants in the suit and respondents in the Civil Application—have undertaken to pay the amounts as directed by

the trial Court. After recording the defendant's undertaking, the trial Court fixed a time-frame and disposed of the Writ Petition. The suit is still pending. Now the plaintiff, that is the respondent in the Writ Petition, has come up with this Civil Application.

3. The applicant's counsel strenuously contends that the defendants have not complied with this Court's directive. Therefore, it should pass an explicit order reviving the reliefs granted by the trial Court.

4. On the other hand, the learned counsel for the respondents-defendants submits that the defendants have complied with this Court's order, dated 26.07.2018. In other words, they have complied with their undertaking, as recorded by this Court. In this context, he has taken me through the Receiver's report.

5. At any rate, both the learned counsel agree that Rs. 4,20,000/- lies in deposit with the Registry of the City Civil Court, Dindoshi. If that amount is transferred to the Receiver, then it amounts to the defendants' complying with this Court's directives in its order dated 26.07.2018.

6. Under these circumstances, I direct the No. 4, City Civil Court, Dindoshi, to transfer the amount to the Receivers' account. The trial Court will ensure this transfer in four weeks.

With this observation, I close this Civil Application. This order does not affect any other rights of the parties.

[DAMA SESHADRI NAIDU, J.]