

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO.577 OF 2019

IN

WRIT PETITION NO. 6856 OF 2013

(PRITHVIRAJ CHANDUSINGH CHAVHAN...VS.. SUB-DIVISIONAL OFFICER, PUSAD & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Rahul Kurekar, Advocate for Applicant/Petitioner.
Shri S.A.Mohta, Advocate for Respondent No.2.

CORAM : Z.A.HAQ, J.

DATED : MARCH 01, 2019.

By this application, the petitioner (tenant) prays that the effect, operation and execution of the notice issued by the Sub-Divisional Officer calling upon the petitioner to vacate the premises be stayed. While issuing Rule in this petition on 18th March 2015, this Court had stayed the effect and operation of the order passed by the Additional Collector directing eviction of the petitioner from the suit premises. This Court directed the petitioners to deposit the amount of licence fees @ Rs.Two Thousand per month from 15th March 2012 within eight weeks. This Court observed that if the petitioner fails to deposit the amount within time, the interim order shall stand vacated. The petitioner was further directed to continue to deposit Rs.Two Thousand per month on or before 10th of every month. The petitioner failed to comply with this order. The petitioner had filed Civil Application (CAW) No.1758 of 2015 praying for extension of time to deposit the amount. By order dated 15th September 2015, this Court granted further time of three months to the petitioner to deposit the amount. Again the petitioner failed to deposit the amount.

The petitioner had filed Civil Application No. 2570 of 2015 praying that the interim order granted by this Court on 18th March 2015 be restored and he be granted time to deposit the amount. By order dated 12th January 2016, this Court accepted the undertaking given on behalf of the petitioner that he will deposit Rs.53,000/- within two weeks from that date and restored the interim order granted on 18th March 2015. The petitioner deposited the amount of Rs.53,000/- with the Registry of this Court on 25th January 2016.

According to the respondent No.2, the petitioner has not deposited any amount after January 2016. The petitioner has not been able to point out that he has deposited any amount towards licence fee after 25th January 2016.

In the facts of the case, I am not convinced that the prayer made in this application is required to be granted.

The Civil Application is **dismissed** with costs quantified at Rs.Ten Thousand, to be paid by the petitioner to respondent Nos.2A-Smt. Nirmala widow of Rajesh Bajaj and 2B-Ku. Deepa Rajesh Bajaj. The receipt showing payment of amount of costs shall be produced on record of this petition by the petitioner within one month.

JUDGE