

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

CIVIL APPLICATION (CAW) NO. 1007/2019
IN
WRIT PETITION NO. 1456/2019

Nitin Y. Takle

..VS..

Tukaram B. Kshirsagar

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

Court's or Judge's orders

Shri A.A. Bhide, Advocate for the applicant/petitioner

CORAM : Z.A.HAQ, J.

DATED : 26/04/2019

Heard.

By the order dated 22/02/2019 while issuing notice, this Court granted interim order in favour of the petitioner and stayed the execution of the decree, however, interim order was granted on condition that the petitioner shall deposit Rs. 1,00,000/- with the registry of this Court till 30/03/2019. Now, this civil application is filed on 02/04/2019 praying that the order passed on 22/02/2019 be modified.

According to the petitioner, one Sunanda Udhoji was the landlady of the petitioner and the petitioner had been paying rent to her @ Rs. 250 /- per month. On 22/02/2019, it was submitted on behalf of the petitioner that Sunanda Udhoji died sometime in 2010 or 2011 and after her death, no one had come forward to receive rent. Considering the fact that the petitioner had been enjoying the property

without paying anything to anybody since last 8 to 9 years, this Court had imposed condition of depositing an amount of Rs. 1,00,000/-. Now by this application, the petitioner has come out with the case that he has paid rent to Sunanda Udhoji till 2015. The photo copies of some money order receipts are produced on record alongwith this civil application to substantiate this contention.

Be that as it may, the grounds raised in the civil application are not sufficient to modify the interim order dated 22/02/2019 specially considering the fact that the civil application is filed on 02/04/2019 i.e. after 30/03/2019 by which date the petitioner was required to deposit the amount.

The civil application is **dismissed**. No costs.

JUDGE

Ansari