

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2023 OF 2017
IN
FIRST APPEAL (ST) NO. 15075 OF 2017

Mohit Atul Kothare & Anr.

..... Applicants

VERSUS

Mohini Rajkumar Seth & Ors.

..... Respondents

Mr.G.S.Godbole, a/w. Ms.Evanta A. Gonsalves, Mr.Reyden L. Gonsalves for the Appellants.

Ms.Maya Sarkar, i/b. M/s. Madhukar Munim & Co. for the Respondent no.1.

Mr.Rajesh Shah, a/w. Ms.Nandini G. Menon for the Respondent nos. 3 and 4.

CORAM : R.D. DHANUKA, J.

DATE : 17th FEBRUARY, 2020

P.C.

Heard learned counsel for the parties present in court. By a separate order passed by this court, first appeal is already admitted.

2. The appellants claims to be in possession of the entire suit property exclusively.

3. Mr.Godbole, learned counsel for the applicants on instruction states that during the pendency of this First Appeal, his client would deposit a sum of Rs.50,000/- per month in this court and also the amount towards mesne profit at the same rate from the date of the decree. He states that insofar as the arrears of the amount till date is

concerned, his clients would deposit the said amount within three months from today. Statement is accepted. He further states that his clients would also pay all outgoing charges including society charges, Municipal taxes, electricity bills in respect of the entire suit property during the pendency of this First Appeal in addition to the aforesaid amount. Statements are accepted as and by way of undertakings to this Court.

4. It is made clear that no further extension of time would be granted. If the amount of arrears is not deposited within the time prescribed or if the aforesaid other amounts are not paid, interim relief granted by this court to stand vacated without further reference to court.

5. The Registry of this court is directed to invest the amount that would be deposited by the applicants in the fixed deposit of a nationalized bank initially for a period of five years and thereafter for like period depending upon the pendency of this First Appeal.

6. Considering the fact that most of the parties are senior citizens, hearing of the First Appeal is expedited.

7. Civil application is made absolute in terms of prayer clause (a) on the aforesaid condition. No order as to costs.

8. The parties as well as the office to act on the authenticated copy of this order.

[R.D.DHANUKA, J.]