

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

WRIT PETITION NO.6826/2016

Dr. Jaykant alias Jaykumar Ashwinkumar Dixit

..V/s..

M/s Fathechand Murlidhar

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

Court's or Judge's orders

Shri S.R. Deshpande, Advocate for the petitioner.
Shri D.J. Sindhu, Advocate for the respondent.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 6.1.2020.

1] The petitioner - original defendant in Regular Civil Suit No.126/2009 is aggrieved by the interlocutory order dated 22.8.2016 passed by the Appellate Court by which application Exh.5 in Regular Civil Appeal No.436/2016, is allowed on the condition that the petitioner would continue to pay an amount of Rs.12,000/- per month towards use and occupation charges and shall clear the arrears of unpaid dues.

2] This Court has granted *ex parte ad interim* protection to the petitioner vide order dated 6.12.2016.

3] The learned Advocate for the respondent - original plaintiff submits that the judgment and decree dated 3.5.2016 delivered in R.C.S. No.126/2009 has already been executed in 2018. He

has already received the possession of the property.

4] I find from the order dated 6.12.2016 that the petitioner was directed to deposit a certain amount in this Court within four weeks. It is conceded that the petitioner has not deposited the said amount and ad interim protection dated 6.12.2016 stood vacated. In this backdrop, the decree has been executed and the landlord has been put in possession of the property.

5] Considering the above, this petition is **disposed off** with a direction to the learned Appellate Court to decide the Regular Civil Appeal No.436/2016 as expeditiously as possible and in any case, on or before 30.6.2020. Any unpaid amount till the date on which the original defendant lost the possession of the property, shall be an issue to be dealt with by the Appellate Court.

(RAVINDRA V. GHUGE, J.)