

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.807 OF 2021
IN
CIVIL REVISION APPLICATION NO.6 OF 2014

Abdulsalam Jainoddin Shaikh & Anr. .. Applicants

Versus

Abdulmannan Makbul Shaikh (since
deceased) through his LRs & Anr. .. Respondents

...

Mr.Ashok B. Tajane for the Applicants.

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CORAM: RAVINDRA V. GHUGE, J.
DATED : 21st JANUARY, 2022

P.C:-

1. Considering that the earlier Advocate withdrew his appearance, this Court issued notice to the non-applicants on 23/11/2021. Despite service of notice, none appeared on 07/01/2022. To enable a further opportunity, the matter was posted today. Even today, none appears for the non-applicants.

2. The learned Advocate for the applicant submits that this Court had granted protection to the non-applicants by an order dated 21/09/2015. The non-applicants were directed to pay the rent as determined and the protection was on the condition of depositing the compensation at the rate of

Rs.3,000/- per month, which was said to be a fair and proper determination of the compensation and the present applicant was permitted to apply for withdrawal in each month.

3. The learned Advocate for the applicant points out a statement made by the applicant on oath that there has been a consistent default on the part of the non-applicants.

4. In view of the above, this application is allowed in terms of prayer clause 4(a), which reads as under :-

“The interim relief granted by this Hon’ble Court in Civil Revision Application No.6 of 2014 dated 16.07.2014 in terms of prayer clause (c) be vacated.

(RAVINDRA V. GHUGE, J.)