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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1038 OF 2021
IN
CIVIL REVISION APPLICATION NO.242 OF 2017**

Mr. Salim Taher Merchant Applicant.

V/s

Mr. Manzal Mohammed S/o
Kunji Mohammed and Ors. Respondents.

Ms. Jyoti R. Shahu i/b D.C. Patankar for the Applicant.

Mr. J.V. Parmar a/w O.S. Kamwal for Respondent Nos. 1 to 9.

CORAM: NITIN W. SAMBRE, J.

DATE: JULY 18, 2022

P.C.:-

1] This Interim Application is taken out by the original Petitioner in Revision Application for permission to deposit amount of compensation and for granting stay to the execution proceedings.

2] This Court on 9/1/2018, while deciding Civil Application No.396 of 2017 has passed the following order in para 7 which reads as under:-

“7. Having considered the documents and the pleadings as placed on record and having heard the learned counsel for the parties, I am

of the opinion that there ought to be some increase in the amount of compensation, considering that the premises are commercial premises, they are in full use and occupation of the appellant-defendant No.2 for the travels business. The valuation report though appears to be on a higher side, in my opinion, interest of justice would be served if the petitioner-defendant No.2 is directed to deposit an amount of Rs 30,000/- per month instead of Rs 20,000/- per month as directed by the order dated 29th August 2017. No prejudice shall be caused to the petitioner. Ordered accordingly. The amount of compensation at Rs 30,000/- per month shall be deposited by the appellant-defendant No.2 from the month of March, 2018.”

3] Since the amount of compensation was directed to be deposited from the month of March, 2018 and same was not deposited, present Application was moved.

4] This Court so as to test bonafides of the Applicant has granted enough opportunity to the Applicant/tenant time and again to deposit the amount of compensation which he has failed to. On last occasion also, this Court granted an opportunity to the Applicant to deposit

part of the arrears of amount i.e. Rs 13 lakhs by today. To day also, an opportunity was given to the Applicant to deposit the amount during the course of the day. Counsel for the Applicant, however, submits that Applicant is not in a position to deposit the amount.

5] In that view of the matter, since the Applicant has failed to comply with the order dated 9/1/2018, Interim Application stands rejected.

(NITIN W. SAMBRE, J.)