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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.17073 OF 2022
IN
CIVIL REVISION APPLICATION NO.373 OF 2012**

Myron Pereira Applicant.

In the matter of

Khadija Ahmadi and Ors. Applicants.

V/s

Myron Pereira and Anr. Respondents.

Mr. Divesh Chamboowala with Mr. Pradip R. Kadam for the
Applicant/Original Respondent No.1.

Mr. Nikhil Wadikar a/w Faiza Shaikh for Petitioner Nos. 1 and 3.

CORAM: NITIN W. SAMBRE, J.

DATE: AUGUST 10, 2022

P.C.:-

1] On 17/1/2020 while deciding Application of the Applicant i.e. landlord being Civil Application No.381 of 2016, non-applicant/tenant was directed to deposit amount of Rs 1,50,000/- towards compensation before 10th day of every calendar month. Non-applicant was also directed to clear arrears of compensation from 29/1/2004 till 31/1/2020 within a period of six months in three equal installments.

2] Fact remains that till this date, non-applicant/tenant who is a judgment debtor has not complied with the said order. As such, Application is taken out by the landlord seeking vacation of the interim relief dated 4/12/2012 whereby stay was ordered to the

execution/operation of decree dated 29/1/2004.

3] When confronted, Counsel for the non-applicant/judgment debtor informs that financial position of the non-applicant/tenant is so weak that he is unable to meet financial liability. However, according to him, Revision itself be posted for final disposal, as same is pending for about 10 years.

4] I have appreciated said submissions.

5] Fact remains that non-applicant/tenant has no means to comply with the order of this Court passed on 17/1/2020, thereby directing payment of compensation which is an admitted fact as is conceded by the Counsel for the non-applicant/tenant on instructions. Since non-applicant/tenant has no intention to deposit the amount of compensation and intends to use the property free of cost, it will be appropriate in my opinion to allow the Application in terms of prayer clause (a). As such, interim stay granted by order dated 4/12/2012 stands vacated.

6] Considering the present work-load, it is difficult to take up the Revision for final disposal.

7] Interim Application stands disposed of.

(NITIN W. SAMBRE, J.)