

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****I.A. NO. 2548 OF 2022****IN****CIVIL REVISION APPLICATION NO.869 OF 2014**

Tamiz Begum Abdul Rehman
(Since Decd.) by LRs.

.....Applicant.

Vs.

Shri Narendra Bhikaji Chavan & Ors.

.....Respondents.

Mr. Rajesh More for the Applicant.

Mr. Akshay Deshmukh for the Respondent No.1.

CORAM : A. S. GADKARI, J.

DATE : 26th APRIL, 2022.

P.C.:-

Undoubtedly, there is a lapse on the part of the Applicant in complying with Order dated 23rd August, 2017 and in particular Para No.4 (e) thereof.

2 The Applicant has not deposited monthly compensation in the Registry of the Trial Court for a period of 22 months prior to this. It is only after the issuance of possession warrant in Execution Proceedings, the present Application is filed on 11th April, 2022.

As the self-operative Order dated 23rd August, 2017 had come into operation, this Court was not inclined to grant any relief to the Applicant. However, the Applicant on her own, submitted that, she will

clear the entire arrears of the compensation as per the Order dated 23rd August, 2017 upto 30th April, 2022 by depositing the said amount in the Registry of Trial Court within a period of one week from today and will deposit enhanced compensation @ Rs.7,000/- per month in the Registry of the Trial Court from May-2022. The said statement is accepted as an undertaking given to this Court.

3 In view of the solemn statement made by the Applicant before this Court, the period to deposit the arrears of compensation is hereby extended upto 30th April, 2022.

4 Applicant shall deposit the compensation @ Rs.7,000/- per month from the month of May, 2022 in the Registry of the Trial Court on or before 5th Day of each succeeding month.

It is needless to mention that, Para No.4 (e) of the Order dated 23rd August, 2017 shall come into operation if three consecutive defaults are committed by the Applicant.

5 In view of the above, Application is allowed in terms of prayer clauses (a), (b) and (d). [Prayer clause (c) is not mentioned in the Application]

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed by
SANJIV SHARNAPPA
MASHALKAR
Date: 2022.04.28
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