

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3809 OF 2020
IN
WRIT PETITION NO.12438 OF 2019**

Khaliluddin Ashrafuddin Khatib	... Applicant
In the matter between:-	
Ishaque Ismail Shaikh	... Petitioner
V/s.	
Khaliluddin Ashrafuddin Khatib	... Respondent

Mr. Mandar Soman a/w. Mr. Hardik Joshi for the Applicant
Mr. A. A. Mirza i/b. Adv. Uzair Kazi for the Respondent

CORAM : NITIN W. SAMBRE, J.

DATED : 24th AUGUST, 2022

P.C.:

1. Heard.
2. The competent authority directed the petitioner to pay the license fees @ Rs.24,000/- per month from 24/01/2019 till handing over of the possession.
3. In the above interim application prayer is made for issuance of directions to the petitioner/licensee to deposit the amount as was directed in this Court.
4. The contentions of the counsel for the petitioner while resisting the said prayer is, leave and license agreement which is formed to be the basis for issuance of such directions is unregistered apart from the fact that it is forged and fabricated. According to him, the petitioner is

claiming ownership over the property.

5. I have appreciated the aforesaid submissions.

6. This Court requires to be sensitive to the fact that the petitioner has suffered order of eviction based on the leave and license agreement and is enjoying protection from this Court.

7. The fact that the petitioner has not paid license fees from 24/01/2019 is not disputed. Apart from above, the claim of the petitioner that he is the owner of the property is informed to be subjudiced before the City Civil Court, Mumbai.

8. In the aforesaid background, the petitioner cannot be permitted to continue to enjoy the suit premises without there being any reasonable conditions.

9. That being so, as directed by the competent authority, if the petitioner fails to deposit the entire amount of arrears of license fees as directed in the impugned order dated 29/08/2019, the writ petition shall stands dismissed without further reference to the Court.

10. The said amount be deposited within a period of eight weeks from today, as is consented.

11. The application stands allowed in the aforesaid terms.

(NITIN W. SAMBRE, J.)