

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2367 OF 2021
IN
WRIT PETITION NO.7995 OF 2019

Rama Ranchod Aniya @ Dhodi &
Ors. ... Applicants

Vs.

Sadhana Ramesh Dalvi & Anr. ... Respondents

...

Mr. Sanjeev Sawant with Mr. Samir Suryawanshi for the applicant
and for the respondent in writ petition.

Mr. K.R. Singh for the respondent in interim application.

Mr. P.P. Pujari, A.G.P. for the State.

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 07TH JANUARY, 2022.

P.C. :-

1. By an order dated 19/07/2019, as a condition for granting protection in favour of the petitioners, this court directed the petitioners to deposit Rs.2,80,000/-, within one week since the

petitioners were in possession of the suit property and was in arrears. The said amount was not deposited and, this court then passed an order on 15/03/2021 in the writ petition, granting one more opportunity to the petitioners to deposit the amount, within two weeks, failing which the conditional interim relief shall stand vacated. Yet, the amount was not deposited.

2. Civil Application No.1683 of 2019 was heard by this court on 01/04/2021 and, by an order, the statement of the petitioners was recorded that the entire arrears of the licence fees would be deposited within two weeks.

3. By accepting the statement, the interim protection continued. Yet, this amount was not deposited. On 30/04/2021, through Video Conferencing, this court heard Interim Application No.1618 of 2020 and, upon noting that the amount is not deposited, further extended the time upto 31/05/2021 to deposit the said amount.

4. By this application, the landlord seeks a formal order of vacating the interim protection granted to the petitioners since the entire amount is not deposited. The learned advocate for the applicant states that the entire amount has not been deposited.

5. Vide order dated 30/04/2021, it was noted that an amount of Rs.2,80,000/- was deposited. However, Rs.1,30,000/- was not deposited.

6. In view of the above and considering the earlier orders, the interim protection granted to the petitioners stood automatically vacated with effect from 01/06/2021. Despite numerous opportunities, having been granted, the petitioners have only enjoyed the benefits of the interim orders passed by this court, though such orders were conditional. They cannot take the court for a ride by making statements, which were recorded and the court magnanimously extended the protection.

7. This application is, therefore, allowed. It be noted that the ad-interim protection, granted to the petitioner stood vacated with effect from 01/06/2021.

[RAVINDRA V. GHUGE, J.]