

**INTERIM APPLICATION NO. 1815 OF 2022
IN
WRIT PETITION NO.742 OF 2004**

1 / 3

2. This Court vide order dated 2nd July, 2015 has directed the payment of compensation @ of Rs. 7000/- per month to be deposited on or before 10th day of each succeeding month. The arrears from 1st April, 2012 till 30.06.2015 were also directed to be deposited.

3. In case if the aforesaid order is not complied within express terms, it is provided therein that the decree holder will be at liberty to move for vacation of interim relief so granted.

4. As such the decree-holder has moved for vacation of interim relief for non-compliance of the order dated 2nd July, 2015. Mr. Apte, learned Senior Counsel for the applicant, has invited my attention to the failure of the Writ Petitioner to deposit the amount of compensation for a considerable period i.e. from December, 2018 .

5. Mr. Deo, learned Counsel for the Writ Petitioner i.e. non applicants/ tenants would urge that he is willing to argue the Writ Petition on merits as the petitioner/tenant is financially not in position to pay the amount. According to him he has reasonably good case on merits.

6. Be that as it may, the order whereby the petitioner was enjoying stay from this Court on the execution of eviction decree was made subjected to deposit of payment of compensation of Rs. 7000/- per

month which the Writ Petitioner i.e. tenant has failed to comply. As I am informed that amounting arrears is around Rs. 6 lakhs as on date. As such, it will be appropriate to vacate the interim relief ordered by this Court for want of compliance of the stay condition.

7. As such, the interim relief ordered by this Court in favour of the Writ Petitioner/tenant stands vacated for non-compliance of the order dated 2nd July, 2015. The application stands allowed in above terms.

8. Liberty to the Writ Petitioner to mention the matter in January, 2023 for Final Hearing.

(NITIN W. SAMBRE, J.).