

Pallavi

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

**CIVIL APPLICATION NO.31 OF 2020
IN
CIVIL REVISION APPLICATION NO.798 OF 2013**

Henry Christie Joseph	... Applicant
In the matter between	
Smt. Jallubai Papanna Rudrap and Ors.	... Applicants/ Tenants
Versus	
Henry Christie Joseph	... Respondent

Mr. Rahul Walvekar, for the Applicant in CAC/612/2015 and for Respondent in CRA/912/2013.

Mr. Chetan Patil for Respondent in CRA/912/2013.

Mr. Hasan Sayed i/b. R.A. Shaikh for Orig. Applicants in CRA/798/2013.

**CORAM: MADHAV J. JAMDAR, J.
DATE : 8th DECEMBER, 2022**

P.C.:

1. By order dated 9th October 2017, this Court has directed the Applicant in Civil Revision Application No.798 of 2013 to pay Rs.2,000/- p.m. as compensation. The said compensation was fixed by taking into consideration the area of the said premises which admeasures about 100 sq. ft. The Applicant i.e. Respondent in CRA has taken out this Civil Application for vacating interim relief granted by order dated 18th February 2014 and confirmed on 19th September 2014 on the ground that the said order directing deposit of Rs.2,000/- p.m. has not been complied with. It appears that Civil

Application No.7 of 2018 was taken out in C.R.A. No.798 of 2013 and the same was disposed of by passing common order dated 8th January 2018 in Civil Applications taken out in C.R.A. No.1016 of 2010 and C.R.A. No.1017 of 2010 by this Court. By that order, it has been directed that an amount of Rs.50,000/- be deposited on or before 23rd January 2018.

2. It appears that there was some delay and therefore, original applicants approached the learned Small Causes Court seeking permission to deposit the said amount and the learned Small Causes Court rejected the said application on the ground that extension of time granted by the High Court could not have been granted by Small Causes Court.

3. Therefore, Civil Application No.529 of 2018 is taken out in this C.R.A. along with Civil Applications filed in other C.R.As and by order dated 11th February 2019, this Court extended the time stipulated by order dated 8th January 2018 upto 25th February 2019.

4. It is the contention of Mr. Sayed, learned Advocate who appears for original applicant that cheque of Rs.54,000/- has been deposited with the Superintendent (Nazir), Small Causes Court, Pune on 20th February 2019. The said cheque was encashed by the Superintendent (Nazir), Small Causes Court, Pune on 15th March 2019 and thereafter, receipt was issued. He submitted that thereafter,

further amount of Rs.2,000/- p.m. has been deposited before the learned trial Court.

5. Nothing has been pointed out to controvert the above position.

Therefore, Civil Application is dismissed with no order as to costs.

(MADHAV J. JAMDAR, J.)

PALLAVI
MAHENDRA
WARGAONKAR

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by PALLAVI
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