

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3991 OF 2014
IN
FIRST APPEAL NO. 197 OF 2013

SAIRUS ADI PRINTER

AND ORS.

} APPLICANTS

IN THE MATTER BETWEEN :

JAYANT SHETTY (SINCE DECEASED)

SHOBHA JAYANT SHETTY & ORS.

} APPELLANTS

V/S.

SAIRUS ADI PRINTER & ORS.

} RESPONDENTS

* * * *

Mr. Vikas B. Shivgan i/by. Ms. Babita Pandey, Advocate
for the appellant.

Mr. Sameer R. Bhalekar, Advocate for applicant
in CAF-3991-2014
and for respondents no.1 to 3 in FA-197-2013.

Respondent no.4-Mr. Sheriar Patel, present in person.

Coram : Sandeep K. Shinde, J.

Friday, 25th February, 2022.

P.C. :

1) At the outset, Advocate Mr. Vikas Shivgan,
seeks time since Advocate Ms. Babita Pandey, appearing
for the appellant is in personal difficulty.

2) I have perused the order dated 4th October, 2019, the minutes of order recorded by this Court and order dated 20th October 2021, both in Civil Application No. 3991/2014.

3) It may be noted that, appellants' possession has been protected by an order dated 28th August, 2013. However, appellant has failed to comply with the terms of minutes of the order dated 4th October, 2019. Clause-(5) of the minutes of order reads as under :

“5. Both the parties agree that on failure to deposit the arrears of compensation by the Appellants within a period of 12 weeks and/or two consecutive defaults and/or any three defaults committed by the Appellants, the interim order dated 28.8.2013 granted by this Hon'ble Court shall stand vacated without further reference to this Hon'ble Court and the Applicants shall be entitled to execute the decree dated 4.1.2013 passed S.C. Suit No.2755 of 2003.”

4) Thus, in consideration of the facts of the case and in view of Clause (5) of the minutes of order, the interim order dated 28th August, 2013 granted by this Court, is vacated.

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(Sandeep K. Shinde, J.)