

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 1525 OF 2020

Manmohan s/o Gopilal Sawal and anr.

Vs.

Kamlabai wd/o Shyamrao Lakhe and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. N.G. Jetha, Advocate for petitioners.

Dr. R.I. Agrawal, Advocate for respondent Nos.2A to 2C &
3.

CORAM : MANISH PITALE J.

DATE : 13.07.2022.

Heard. When the Court was against the petitioners, the learned counsel for petitioners on instructions sought permission to withdraw the present writ petition.

2. It has come to the notice of this Court that while the impugned order was passed as far back as on 29.11.2018 fixing the occupational charges at Rs.6,000/- per month and review application filed in the context of the said order was dismissed on 27.01.2020, the writ petition was filed on 03.03.2020 and it was circulated for hearing before this Court for the first time on 20.12.2021.

Upon the Court issuing notice the respondents entered appearance.

3. It is an admitted position that there was no interim order in respect of the impugned order and yet the petitioners have been depositing only Rs.225/- per month before the Court below. This is in the teeth of the impugned order directing payment of Rs.6,000/- per month towards occupational charges.

4. In these circumstances, the writ petition is dismissed as withdrawn.

5. The petitioners are directed to pay arrears of occupational charges from the date of the order of the Small Causes Court i.e. 31.03.2018 till June, 2022, within three months from today. If the respondents for any reason refuse to accept the amount, the petitioners shall deposit the said amount in the Court below, which the respondents will be at liberty to withdraw forthwith.

6. The appeal be disposed of as expeditiously as possible and in any case within a period of eight months from today.