

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3635 OF 2021

IN

WRIT PETITION NO.615 OF 2008

LAZARUS FRANCIS NIGERO AND ORS.)...APPLICANTS

V/s.

SURESH VELJI KESARIA)...RESPONDENT

Ms.Shweta Agrawal, Advocate for the Applicants/Petitioners.

Mr.Vincent Pereira, Advocate for the Respondent.

Mr.Suresh Velji Kesaria, Respondent, is present in the Court.

CORAM : ABHAY AHUJA, J.

DATE : 26th JUNE 2023

PC. :

1. This is an application seeking to deposit the accumulated amount of compensation of Rs.1,90,000/- from the month of April 2020 to March 2023 in the department. In addition, the Applicants seek to deposit Rs.5,000/- per month being the compensation amount pursuant to order dated 30th October 2015 as clarified on 9th February 2016. Learned Counsel for the Applicants would submit that the present application has been taken out as since the passing of the orders dated

30th October 2015 and 9th February 2016, the Applicants had been paying the said compensation by depositing the same in this Court in time, every month and had paid the compensation regularly till the month of March 2020. However, thereafter, due to Covid-19 pandemic, the Applicants could not deposit the said compensation and the said amount has remained to be paid since the month of April 2020 till date. The Applicants approached the department some time in the month of March 2021 for depositing the accumulated amount after the pandemic came into control but they were informed that a judicial order is necessary for the same.

2. Mr.Vincent Pereira, learned Counsel for the Respondents in the Application has no particular objection if the amounts are allowed to be deposited but submits that if the amounts are not deposited in accordance with the orders, as directed by this Court, the stay may be vacated.

3. Be that as it may, let the Applicants deposit the amount of accumulated compensation of Rs.1,90,000/- from April 2020 till date, in this Court, within a period of four months, in four equal monthly installments, to be deposited before the 10th of every month.

4. In addition, the Applicants to continue to deposit a sum of Rs.5,000/- per month from July 2023 by the 10th of every month.
5. Stay on the execution of the impugned order, subject to the above deposits.
6. The Application stands disposed in the above terms,

(ABHAY AHUJA, J.)