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

**WRIT PETITION NO.3356 OF 2023**

Parmy Manufactory Pvt. Ltd. and Anr.

...Petitioners

Versus

Hrishikesh Co-operative Housing Society Ltd.

...Respondent

- Mr. Rajiv Chavan, Senior Counsel a/w Ashneel Saluja i/b. P.Y. Shankar, for the Petitioners.
- Mr. Rajesh Revankar a/w Sonali Sigum i/b. A.G. Revankar & Co, for the Respondent.

**CORAM : MADHAV J. JAMDAR, J.**

**DATE : 28<sup>th</sup> APRIL 2023**

**P.C. :**

1. This Writ Petition was argued on earlier dates. Since the impugned order is an interim order operating during the pendency of the Appeal, the parties arrived at an arrangement which will operate during the pendency of the Appeal. Accordingly, both the parties tender minutes of order.

2. Mr. Rajiv Chavan, learned Senior Counsel appearing for the Petitioners and Mr. Rajesh Revankar, learned counsel appearing for the Respondent state that the said Minutes of Order record the arrangement between the parties which will operate during the pendency of the Appeal before the Appellate Bench of Small Causes Court, Mumbai. Said Minutes of Order are signed by the respective Advocates for identification. The said

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Minutes of Order are taken on record and marked 'X' for identification.

The said Minutes of Order read as under:-

**"MINUTES OF ORDER"**

The Order dated 10.1.2023 passed by the Division Bench of Small Causes Court in Exhibit "6" in P. Appeal No.125 of 2019 stands modified to the following extent:

1. Application being Exhibit "6" is allowed by invoking order 41 Rule 5 of Civil Procedure Code, 1908, execution of Decree to the extent of possession is stayed till the decision of this Appeal on condition of Defendants depositing Rs.2,07,000/- per month (Rupees Two lacs, Seven Thousand only) as Interim Compensation from 24.10.2018 to 30.4.2023 to be deposited in six equal installments within a period of 6 months from the date of this order.
2. Defendants are further directed to continue to deposit Interim monthly compensation at the rate of Rs.2,07,000/- (Rupees Two lacs, Seven Thousand only) in the Court from 1.5.2023 onwards pending the hearing and final disposal of Appeal on or before the 10<sup>th</sup> of every month.
3. The issue regarding Interim Compensation payable by Defendant from 12.8.2012 (i.e. from the date of termination of Lease) till 24.10.2018 is kept in abeyance, without prejudice to the rights and

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contentions of Respondents, subject to the outcome of Special Leave to Appeal No.27412 of 2017 pending before the Apex Court in Mujibur rehman Haji Israr Alam Siddiqui Vs. M/s. K.T.Kubal & Co., with liberty to the Respondents to make necessary application before Appeal Court.

4. The Appeal is to be heard expeditiously and in any case to be finally decided on or before 31.12.2023.
5. The Registrar of Small Causes Court at Mumbai is hereby directed to invest the amount of compensation as and when deposited by the Appellants in the Court in the Fixed Deposit in any Nationalized Bank immediately on the very next working day in accordance with law. Period of fixed deposit shall be renewed yearly, if required.
6. The amount so deposited shall be subject to final outcome of appeal.
7. On failure to deposit amount as stated above on any three consecutive defaults in installments, stay shall stand vacated automatically.

Dated this 28th day of April, 2023. ”

3. Writ Petition is disposed of in terms of Minutes of Order. Thus, the impugned order dated 10<sup>th</sup> January 2023 passed by the learned Appellate Bench of Small Causes Court below Exh.6 in P. Appeal No.125 of 2019 in

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T.E. & R. Suit No.01/01 of 2023 stands modified in terms of the Minutes of Order.

4. The learned Appellate Court is requested to dispose of the said P. Appeal No.125 of 2019 expeditiously and preferably on or before **31<sup>st</sup> December 2023**.

5. Writ Petition is disposed of in above terms with no order as to costs.

**[MADHAV J. JAMDAR, J.]**