

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4283 OF 2021

IN

FIRST APPEAL NO. 393 OF 1995

WITH

FIRST APPEAL NO. 393 OF 1995

YUGANDHARA
SHARAD
PATIL

Digitally signed
by
YUGANDHARA
SHARAD PATIL
Date: 2023.12.08
17:02:02 +0530

Bechan Mohal Maurya

...Applicant

IN THE MATTER BETWEEN

Bechan Mohal Maurya

...Appellant

Versus

Palakdhari Bahal Maurya & Ors.

...Respondents

Mr. K.K. Pandey , Advocate for the Applicant.

Mr. T.R. Yadav, Advocate for Respondent Nos. 3 and 4.

CORAM: M.M.SATHAYE J.

DATE : 7th DECEMBER, 2023

PC. :

INTERIM APPLICATION NO. 4283 OF 2021

1. Heard learned counsel for the Applicant and learned counsel for Respondent Nos. 3 and 4. Respondent No. 1 is reported to be dead and according to office note, Respondent No. 2 is served.

2. This is an Application to permit the Applicant to deposit arrears of Royalty from April 2020 till March 2021 at the rate of Rs.

6000/- per month in the Office of Court Receiver. It is common ground that the Applicant is appointed as an agent of Court Receiver under earlier order of this Court.

3. Learned Counsel for the Applicant submitted that due to covid-19 lock down and other reasons, as stated in the Application, he could not pay Royalty amount in time and seeks indulgence of the Court for extension of time. He states on instructions, that the Applicant is ready to pay half of the pending arrears within first 4 weeks from today and remaining half of arrears within 4 weeks thereafter. Learned counsel for Respondent Nos. 3 and 4 has fairly submitted to the orders of the Court.

4. In that view of the matter and considering the averments in the Application following order is passed:

ORDER

(i) This Application is allowed in terms of prayer clauses (a) and (b). Delay is condoned. The Applicant is permitted to pay the arrears of amount of Royalty amounting to Rs. 2,70,000/- from April 2020 till December 2023 within a period of 8 weeks from today. The Applicant is directed to pay 50% of the said amount within 4 weeks from today and remaining 50% within a period of 4 weeks thereafter.

(ii) The Applicant is further directed to pay future amounts of Royalty from January 2024, regularly, on or before 7th day of each month.

(iii) Interim Application is disposed of in the aforesaid terms.

(iv) All concerned to act on duly authenticated or digitally signed copy of this order.

FIRST APPEAL NO. 393 OF 1995

1. Learned counsel for both sides stated that First Appeal No. 394 of 1995 is connected with the present matter. Hence place this Appeal alongwith First Appeal No. 394 of 1995 under the caption of 'final disposal' on 23.01.2024.

2. All concerned to act on duly authenticated or digitally signed copy of this order.

[M.M.SATHAYE,J.]