

Arjun

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

**INTERIM APPLICATION NO.16905 OF 2022
IN
WRIT PETITION NO.8193 OF 2019**

Shabnam Murtuza A. Shaikh ...Applicant

In the matter between

Mr. Mumtaz Ahmed Shaikh Mohd. Shaikh ...Petitioner

V/s.

Mrs. Shabnam Murtuza Abdul ...Respondent
A. Gafoor Shaikh

Ms. Reshma Nair i/b Devmani Shukla, for the Applicant.

**CORAM : MADHAV J. JAMDAR, J.
DATE : 23rd MARCH, 2023**

P.C.:

1. This Interim Application is taken out for withdrawal of arrears of compensation which has been deposited in this Court.

2. By order dated 23rd November, 2021, a learned Single Judge has dismissed the Writ Petition and directed the Petitioner to comply with directions issued by the Competent Authority by its order dated 14th September, 2018 in Case

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No.17 of 2018 within a period of 30 days, failing which the Respondent was granted liberty to adopt appropriate proceedings for eviction of the Petitioner from the suit premises.

3. Learned counsel appearing for the Applicant i.e. original Respondent states that, the Petitioner has complied with said order dated 23rd November, 2021 by vacating the suit premises. She further states that total amount of Rs.4,68,000/- is deposited in this Court pursuant to orders dated 19th July, 2019, 9th August, 2019 and 11th August, 2021 passed in this Writ Petition.

4. By order dated 14th September, 2018 passed by the Competent Authority (Rent Act), Konkan Division, Mumbai in Case No.17 of 2018, the Application under Section 24 was allowed and the Applicant was directed to pay arrears of monthly license fee till 1st September, 2018 at the rate of Rs.1500/- p.m. and, thereafter at double the rate i.e. Rs.3000/- p.m. till the vacant possession of the premises is delivered to the Applicant. In compliance with the said order read with order dated 23rd November, 2021 passed by this Court, the Petitioner has vacated the suit premises on or

before 23rd December, 2021.

5. The Petitioner was served with this Interim Application and on 3rd March, 2023, the Petitioner remained present in the Court and sought time and, therefore, the matter was adjourned to 16th March, 2023. On 16th March, 2023, the Petitioner failed to remain present in the Court. Therefore, the matter was kept today. Today also the original Petitioner is not present in the Court. He has neither engaged any Advocate nor filed any Reply.

6. Therefore, the Interim Application is allowed in terms of prayer clause (a).

7. The Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]