

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6067 OF 2023

Gopal Ramchandra Topale and Ors. ... Petitioners

V/s.

Sachin Trimbak Kulkarni an Anshuman
Deshmukh and Ors ... Respondents

Mr. Vaibhav R. Gaikwad, Advocate for the Petitioners.
Mr. Anshuman Deshmukh a/w Adv. S. Kulkarni, for the
Respondents.

CORAM : RAJESH S. PATIL, J.

DATED : 29 SEPTEMBER, 2023

PC.:

1. After the matter was argued for sometime. The parties have agreed that the impugned Judgment and Order dated 2 May, 2022 passed on Exhibit-4 in Civil Appeal No.31 of 2020, be modified to the extent that the compensation payable from the date of the Trial Court decree, dated 4 November, 2019 be fixed at the rate of Rs.6,000/- (Rupees Six Thousand Only) per month.
2. The Judgment and Order dated 2 May 2022, passed on Exhibit-4, is accordingly modified.
3. The Petitioners have already deposited a sum of Rs. 1,35,000/- (Rupees One Lakh Thirty Five Thousand only) before the Executing Court, pursuant to Order dated 3 May 2023, passed

in this Writ Petition. The Advocate for the petitioners states that his client has also deposited a sum of Rs. 15,000/- (Rupees Fifteen Thousand Only) before the Executing Court, prior to the passing of the Order dated 3 May 2023. The Petitioners undertake to deposit the balance amount which is roughly around Rs.1,35,000/- (Rupees One Lakh Thirty Five Thousand Only) within five weeks before the Executing Court. The counsel for the petitioners has also undertaken that his client would also regularly deposit a sum of Rs.6,000/- (Rupees Six Thousand Only) per month, as monthly compensation from Oct 2023, till the hearing and disposal of the Civil Appeal No.31 of 2020 by the District Court.

4. All the undertakings as mentioned above by the Petitioners are accepted.

5. The hearing of the Civil Appeal No.31 of 2020 is expedited. The District Court should make an endeavour to dispose of the said CRA within a period of three months from today. In case, the balance amount of approximately Rs.1,35,000/- (Rupees One Lakh Thirty Five Thousand Only) not deposited within a period of five weeks from today, the stay which is granted by this Court will automatically be vacated and the Respondent Landlord would be permitted to execute the decree. So also, if the Petitioners defaults in depositing monthly compensation for two consecutively, months, even in that case the Respondent can execute the decree. The concerned police station in such a situation will co-operate with the Respondent.

6. Writ Petition is accordingly disposed of as partly allowed.

7. All the parties to act on an authenticated copy of this order.
Issuance of certified copy of this order is expedited.

(RAJESH S. PATIL, J.)