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

**INTERIM APPLICATION NO.14057 OF 2023
IN
WRIT PETITION NO.2484 OF 2006**

Jayantilal Chimanlal Shah

...Applicant

In the matter between:

Sarojben Mahendra Shah & Anr.

...Petitioner

Versus

Kamlesh Harnamsingh Chowhan

...Respondent

Mr. Prajit Vora & Mr. Hemal, i/b. Navdeep Vora & Associates, for the Applicant.

Mr. Amey Patil, i/b. Vivek Kantawala & Co., for the Respondent.

CORAM : MADHAV J. JAMDAR, J.

DATED : 4th AUGUST 2023

P.C. :

1. Heard Mr. Prajit Vora, learned counsel appearing for the Applicant and Mr. Amey Patil, learned counsel appearing for the Respondent.

2. By order dated 16th November 2010, a learned Single Judge continued the interim order passed in Writ Petition No.2484 of 2006 on certain conditions. The operative portion

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as contained in paragraph No. 5 of the said order dated 16th November 2010 is reproduced hereinbelow for ready reference:-

“5] Hence, application is disposed of by passing the following order:

(a) Interim order passed in the writ petition shall continue to operate till the disposal of the writ petition, subject to the condition of the respondent (petitioner in writ petition) depositing with the trial Court a sum of Rs. 5,000/ per month by way of reasonable compensation over and above the contractual rent. This amount shall be payable from the date of decree of possession which is impugned in the writ petition.

(b) Time is granted to the respondent to deposit arrears payable upto 30th November, 2010, till 31st March, 2011. However, the respondent (petitioner in writ petition) shall continue to deposit a sum of Rs.5,000/ with the trial Court from December, 2010 onwards, on or before 15th date of every calendar month.

(c) In view of the order dated 22nd April, 2009 passed in Writ Petition No.4143 of 2009, the applicant plaintiff shall not be permitted to withdraw the said amount deposited by the petitioner and the same shall be invested in fixed deposit from time to time.”

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3. It is the contention of Mr. Vora, learned counsel appearing for the Applicant that there was some default after July-2022 and the office of Small Causes Court, Mumbai has refused to accept the further payment. He states that if time is extended for a period of one week, the amount will be deposited in the Registry of the Small Causes Court, Mumbai.

4. Accordingly, pursuant to order dated 16th November 2010 time for payment of arrears of rent from July-2022 till 31st July 2023 is extended till 25th August 2023.

5. It is clarified that, from the month of August-2023 onwards, the amount shall be paid on or before 15th date of every calendar month as directed by order dated 16th November 2010.

6. The Small Causes Court, Mumbai is directed to accept the rent amount plus compensation amount.

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

[MADHAV J. JAMDAR, J.]