

Pallavi

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.17864 OF 2022
IN
CIVIL REVISION APPLICATION NO.221 OF 2021

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Prakash Vishwanath Surve and Ors. ... Applicants
Versus
Anil Govind Bhole ... Respondent
In the matter between
Anil Bhole ... Applicants
Versus
Prakash Vishwanath Surve & Ors. ... Respondents

Mr. Suresh Sabrad for the Applicants in IA/17864/2022.
Ms. Reshma Ravi i/b. K.P. Ravi, for the Applicants in CRA/221/2021
and IA/17862/2022.

WITH
INTERIM APPLICATION NO.17862 OF 2022
IN
CIVIL REVISION APPLICATION NO.221 OF 2021

Anil Govind Bhole ... Applicant
Versus
Prakash Vishwanath Surve and Ors. ... Respondents

Ms. Reshma Ravi i/b. K.P. Ravi, for the Applicant in CRA/221/2021
and IA/17862/2022.
Mr. Suresh Sabrad for the Applicant in IA/17864/2022.

CORAM: MADHAV J. JAMDAR, J.
DATE : 12th JANUARY, 2023

P.C.:

INTERIM APPLICATION NO.17864 OF 2022:

1. Heard Mr. Suresh Sabrad, learned counsel appearing for the
Applicants in Interim Application i.e. Respondents in Civil Revision

Application and Ms. Reshma Ravi, learned Advocate appearing for the original Applicant in Civil Revision Application.

2. By order dated 1st November 2018 passed in Writ Petition No.12355 of 2018, the Applicants were directed to deposit Rs.15,000/- pm towards interim compensation. The Applicants were in arrears of payment of compensation from December 2019 onwards. Therefore, by order dated 29th October 2021, a learned Single Judge granted the Applicants time to deposit said arrears in two installments. First installment was directed to be deposited on or before 18th November 2021 and second installment was directed to be deposited on or before 20th November 2021 and the matter was adjourned to 22nd November 2021 for reporting compliance.

3. In order dated 22nd November 2021, the learned Single Judge recorded that the Applicant has deposited the first installment on 15th November 2021. It is further recorded that as far as second installment is concerned, as the Applicant suffered stroke of paralysis on 2nd November 2021 and as he is undergoing medical treatment, the period of deposit of second installment was extended upto 20th December 2021.

4. On 22nd December 2021, the learned Single Judge recorded that the second installment of Rs.1,80,000/- was deposited by the Applicant and as none appeared for the Applicant, the matter was

adjourned.

5. By order dated 25th March 2022 passed by this Court in Revision Application No.221 of 2021 along with Interim Application No.3125 of 2020, the same were disposed of by directing that the Applicant along with his family members would vacate and hand over peaceful possession of the suit premises to the Respondent landlord on or before 26th August 2022. It is further directed that an amount of Rs.5 Lakhs would be deposited by the Applicant in the Registry and if the Applicant and/or his family members fail to vacate the suit premises on or before 26th August 2022, then the said amount of Rs.5 Lakhs would be forfeited.

6. Now, the Interim Application No.17864 of 2022 is taken out for the relief seeking that Respondent No.1 be directed to deposit compensation of Rs.15,000/- from December 2021 to August 2022 and for seeking other reliefs and to deduct the said arrears from the said amount of Rs.5 Lakhs. It is admitted position that the original applicant, in terms of order dated 25th March 2022 has vacated the suit premises on 24th August 2022 i.e. well in advance before the expiry of time granted by this Court i.e. on or before 26th August 2022. By order dated 25th March 2022, the learned Single Judge has not directed payment of Rs.15,000/- for the period of December 2021 to August 2022. Therefore, the relief which is being sought in the

Interim Application is in the nature of review of order dated 25th March 2022 and therefore, no relief can be granted in Interim Application.

7. However, it is clarified that the present Applicant i.e. the original Respondents are at liberty to take out appropriate proceedings.

8. Mr. Suresh Sabrad, learned counsel appearing for the present Applicants i.e. the Respondents states that the original Applicant in Civil Revision Application has deposited an amount of Rs.15,000/- pm for certain period and he wants withdrawal of said amount. Ms. Reshma Ravi, learned counsel appearing for the original Applicant has no objection for the same. Therefore, the **Respondent Nos.1 to 5 in Civil Revision Application i.e. Original Plaintiffs** are at liberty to withdraw the amount which has been deposited by the original Applicant of Rs.15,000/- per month. Interim Application No.17864 of 2022 is accordingly disposed of in above terms with no order as to costs.

9. **Interim Application No.17862 of 2022:**

10. In Interim Application No.17862 of 2022, the applicant i.e. Applicant in original Civil Revision Application is seeking prayer to withdraw amount of Rs.5 Lakhs deposited in accordance with order

dated 25th March 2022. It is admitted position that the Applicants have vacated the suit premises well within time as directed by the order dated 25th March 2022.

11. The said amount of Rs.15,000/- from December 2021 to August 2022 which according to Mr. Sabrad has not been deposited comes to Rs.1,35,000/-. Therefore, office is directed to pay to the Applicant – Anil G. Bhole, an amount of Rs.3,65,000/- along with accrued interest on entire amount of Rs.5 Lakhs immediately. It is further directed that if the Respondents fail to file appropriate proceedings and get any order regarding payment from December 2021 to August 2022 then the balance amount of Rs.1,35,000/- be paid to the Applicant – Anil G. Bhole after 25th March 2023 and in any case on or before 31st March 2023. Interim Application No.17862 of 2022 is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)

Note : This order is modified vide speaking to minutes order dated 23/02/2023 and the corrections are shown in bold.