



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

WRIT PETITION NO. 10954 OF 2023

Sanjay Revansiddha Bhawe

..Petitioner/s

v/s.

Suresh Kashinath Ubhe & Ors.

..Respondents

Mr. Chaitanya Nikte a/w. Sneha Bharge i/b. Prajit Sahane for the
Petitioner/s.

Mr. Pritam Nigade with Praful Bhadale for the Respondent No.2.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 8th SEPTEMBER, 2023.**

P.C.

1. The petitioner has assailed order dated 15.06.2023 in Suit No. 241 of 2020. By the impugned order, the learned Judge, Small Causes Court, Pune has partly allowed the application filed by the respondent under Section 15A of CPC and directed the petitioner herein to deposit an amount of Rs.4,75,000/- towards arrears of license fees, 16,000/- towards electricity bill (total amount Rs.4,19,000/-) within a period of two months from the date of the order

2. Heard learned Counsel for the petitioner and learned Counsel for the respondent.

3. The petitioner filed a suit for declaration of tenancy right. It is the case of the petitioner that he was a tenant of the suit shop which was earlier owned by the respondent no.1. The respondent no.2, who has purchased the shop from the original landlord has filed a written statement and counter claim wherein he has sought eviction of the petitioner. During pendency of the suit, the respondent no.2 filed an application under Section 15A seeking arrears of license fees.

4. The petitioner contested the said application mainly on the ground that the respondent no.2 has obstructed the access leading to the said shop and as a consequence of which he is unable to conduct business in the said shop.

5. In the course of the hearing, learned Counsel for the respondent submitted that the respondent no.2 has not obstructed the access to the suit shop. Per contra, learned Counsel for the petitioner asserts that the Respondent has obstructed the by putting iron gates on either side.

6. Learned Counsel for the respective parties agree that Bailiff can be sent to the site to ascertain the facts and further to clear the obstruction, if any, over the suit passage. Learned Counsel for the applicant states that in the event the obstruction is removed, the applicant shall deposit Rs.4,91,000/- to show his bonafides and will

continue to deposit Rs.25,000/- per month until further orders, without prejudice to his rights and contentions.

7. Hence, with consent, the following order :

(i) The Bailiff of the Small Causes Court shall visit the suit shop on 14.11.2023 in presence of both the parties or their representatives;

(ii) The Bailiff shall remove the obstruction, if any, over the subject passage and submit the report to the Small Causes Court;

(iii) The petitioner shall deposit an amount of Rs.4,91,000/- before the Small Causes Court within a period of three weeks. The said amount to be invested in Fixed Deposit in any nationalized bank, initially for a period of three years, with further renewal until further orders;

(iv) The petitioner shall deposit Rs.25,000/- on the 5th day of every month from the date of removal of the obstruction, till further orders. The deposit of Rs.25000/- shall be subject to the order of the competent court. The respondent shall be entitled to withdraw the said amount ;

8. The impugned order stands modified in above terms. Petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)