

Digitally
signed by
SHANTANU
SHANKARSA
DHUDUM
Date:
2023.03.14
14:16:52
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 19625 OF 2022
IN
CIVIL REVISION APPLICATION NO. 335 OF 2012

Jaidev Atmaram Prabhu

....Applicant

Versus

Anant Mangesh Kamat & Ors.

....Respondents

Mr. Kanhaiya S. Yadav i/b Ankit S. Dubey for the Applicant.

Mr. Jayesh Mestry for the Respondent Respondent No. 3.

CORAM : S. G. DIGE, J.

DATE : 2nd MARCH 2023.

P.C. :

1. Heard learned counsel for the Applicant and the learned counsel for the Respondents.

2. The learned counsel for the Applicant submits that the Applicant used to pay mesne profit of Rs. 1,000/- per month, before the Registrar Small Causes Court, Mumbai. Before 10 January of every year, but due to pandemic situation and other personal difficulties the Applicant could not deposit the amount of Rs. 1,000/- for the calendar year 2022-2023 before the Registrar Small Causes Court, Mumbai before 10 January 2022, the daughter of applicant had approached

to the learned Registrar on 13 January, 2022 to accept the mesne profit.

3. The learned Registrar refused to accept the mesne profit on the ground that there was 4 days delay to deposit the amount .

4. The learned counsel further submits that as the amount was not accepted in the year 2022 the amount which are due in January, 2023 is also not accepted. Hence, requested to allow the Application.

5. The learned counsel for the Respondents strongly objected to allow the Application on the ground that amount was not deposited within stipulated time. Hence, requested to dismiss the Application.

6. I have heard both learned counsel.

7. Considering the submission of both learned counsel and reasons mentioned in the Application. The Application is allowed in terms of prayer clause (a) and (b). The learned Registrar Small Causes Court, Mumbai is directed to accept the mesne profit for period January 2022 to December, 2022 and January, 2023 to December 2023.

8. Application disposed of.

(S. G. DIGE, J.)