

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL REVISION APPLICATION NO. 277 OF 2022****ALONGWITH****INTERIM APPLICATION NO. 1849 OF 2023****IN****CIVIL REVISION APPLICATION NO. 277 OF 2022****A. Maithili Nair****..... Applicant****VERSUS****Vijaykumar Vasant Hate & Anr.****..... Respondents**

Mr.Surel S.Shah i/b. Mr.Kiran Jain & Co. for the Applicant.

Mr.Pradeep Thorat, i/b. Mr.Mohansinh S.Ghatge for the Respondent No.1.

CORAM: RAJESH S. PATIL, J.**DATE : 23 JANUARY, 2024****P.C. :-**

Mr.Shah, learned counsel appearing for the applicant submits that the applicant is present in Court. Mr.Shah submits that as per the directions of this Court by orders dated 13 December 2023 and 21 December, 2023, the applicant is physically present in Court.

2. After the matter was argued for some time, both the learned counsel agree that the matter can be disposed of with

certain conditions :-

(i) the impugned judgment and order dated 27 April, 2022 passed in Order below Ex.1 in Appeal No. 5 of 2014 by the Appellate Bench of the Small Causes Court, Bandra Branch, Mumbai is quashed and set aside.

(ii) Appeal No. 5 of 2014 is restored back to the file of the Appellate Bench of the Small Causes Court, Mumbai. Appeal No. 5 of 2014 be heard by the Appellate Bench of the Small Causes Court, Mumbai, on its own merits. Appellate Bench of the Small Causes Court will make an endeavour to dispose of the appeal as expeditiously as possible.

3. Civil Revision Application is accordingly disposed of. Pending interim application is also disposed of.

4. Mr.Shah on behalf of the applicant at this stage submits that the interim order of stay to the execution passed by this

Court on 27 February, 2023 be further continued till disposal of Appeal. Mr. Thorat, learned counsel appearing for the respondent landlord informs this Court that he has instructions to oppose this application. Mr. Thorat further submits that from 14 August, 2015 till now, the applicant is in arrears of the amount of the compensation payable. Mr. Thorat submits that the amount of the compensation payable is at the rate of Rs.13,000/- per month.

5. Mr.Shah, on instructions from his client submits that the outstanding amount at the rate of Rs.13,000/- per month from 16 January, 2014 till December 2023 is roughly around Rs.13,91,000/-. Mr.Shah submits that his client will deposit the entire arrears with the Court of Small Causes within a period of two weeks from today. The statement made by Mr.Shah is accepted as an undertaking made to this Court.

6. The applicant is permitted to deposit a sum of Rs.13,91,000/- with the Court of Small Causes within a period of two weeks from today. The applicant is further directed to pay a

sum of Rs.13,000/- per month as compensation on 10th day of every month from January 2024 till hearing and final disposal of the Appeal No. 5 of 2014.

7. In view of the above directions, there will be stay to the impugned judgment and decree dated 16 January, 2014 passed by the Trial Court in R.A.E. & R. Suit No. 451/1050 of 1996 by the Small Causes Court till the hearing and final disposal of the Appeal No. 5 of 2014.

8. The parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]