

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 3 OF 2024

Pankitaben Rajendra Doshi And Anr.	...Applicants
Versus	
Ashok Haridas Mapara (deceased)	
Thr. Lrs. Hrishika Shyam Mohta And Anr.	...Respondents

Adv. Ramdas Hake Patil for the Applicant.

Adv. Kalpesh Joshi a/w. Adv. Nisha Shah & Adv. Amar Parab i/b.
Kalpesh Joshi Associates for Respondent Nos. 1a, 1 b & 2.

CORAM : RAJESH S. PATIL, J.

DATED : 16 APRIL 2024

PC.:

1. Mr. Joshi appearing for the respondent submits that outstanding amount as per the provision of Section 15 A of the Code of Civil Procedure is Rs.45,00,000/-. He submits that the applicants have not complied with the direction given by this Court on 7 March 2024 and on 12 March 2024. Learned counsel for the Respondent submits that the Civil Revision Application should be dismissed.

2. Mr. Hake appearing for the applicant submits that the applicant was not able to comply with the direction given by this Court. He submits that the stay may be vacated and Civil Revision Application be heard on merits. This Civil Revision Application is arising out of the L. E. & C. Suit where the present applicant was the defendant.

3. There is no dispute that leave and license entered into the parties. Parties have signed the said leave and license agreement. There is no dispute that the license period had expired, only then eviction proceedings were filed and the eviction decree of possession were passed. Being aggrieved the original defendant filed an appeal before the Division Bench of Small Causes Court. The said Appeal was also dismissed. Hence, against the concurrent findings recorded by both the Courts the Civil Revision Application has been filed by the original defendant.

4. As a matter of indulgence the applicant was permitted to deposit a sum of Rs.1,20,686/-. However, the applicant has chosen not to comply with the direction given by this Court.

5. I have heard Mr. Hake Patil and Mr. Joshi. I have also gone through documents on record. I find there is no merit in the present Civil Revision Application. The Civil Revision Application is dismissed. No costs.

(RAJESH S. PATIL, J.)