

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

Writ Petition NO. 2085 OF 2024

Surendra Singaneria	...Petitioner	
Versus		
Shamsunder Shantaram Thakre Since Decd.		
Vaibhav Shamsundar Thakre	...Respondent	

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Mr. Swapnil Ambure, Advocate for the Petitioner.
Mr. Jaydeep Deo, Advocate for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 21 FEBRUARY 2024

P.C.:

1. Mr. Ambure appearing for the petitioner submits that within a period of one week from today his client will comply with clause no.5 of Order dated 4 September 2023, passed by the Appellate Bench of the Court of Small Causes. So also his client will deposit a sum of Rs.9,00,000/- without prejudice within a period of one week with the Court of the Small Causes Bombay.
2. Further on instructions of his client he submitted that the balance amount of Rs.9,00,000/- without prejudice to the rights and contentions of his client would be deposited in the Court of Small Causes within a further period of five weeks from today.
3. Stand over to 27 March 2024. The petitioner should not create any third party interest in the suit premises until further orders of this Court. Mr. Ambure has submitted that petitioner is

the only person who is in possession of the suit premises. The said statement made by Mr. Ambure on behalf of his client is taken as an undertaking to this Court.

4. The petitioner has already given undertaking to this Court that within a period of five weeks from today the entire amount of Rs.8,00,000/- would be deposited in the Small Causes Court without prejudice to rights and contentions of the petitioner.

5. The warrant of possession issued by the executing court will be stayed for a further period of five weeks from today. If there is any default in depositing the amount of Rs.9,00,000/- within one week and Rs.9,00,000/- within a period of five weeks from today the protection granted by this Court will come to an end.

6. All parties to act on an authenticated copy of this order.

(RAJESH S. PATIL, J.)