

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

WRIT PETITION NO.1987 OF 2024

M/S National Co Operative
Consumers Federation Of India Ltd. ...Petitioners

Versus

M/S Saidpur Jute Co. Ltd. ... Respondents

Adv. Gauraj Shah a/w. Adv. Pranav Chavan & Adv. Vithal Patil i/b.
Mahesh Menon & Co., for the Petitioner.

Adv. Anirudh Hariani a/w. Adv. Vikrant Shetty & Adv. Kush Shah
i/b. M/s. Dhruve Liladhar & Co., for Respondents.

CORAM : RAJESH S. PATIL, J.

DATED : 16 FEBRUARY 2024

PC.:

1. This Writ Petition challenges the impugned order dated 18 December 2023 passed on below Exhibit-7 in Appeal No.125 of 2023, by Appellate Bench of Court of the Small Causes. By the impugned order the Appellate Court had granted stay to the eviction decree passed by the Trial Court, subject to the Petitioner/Defendant depositing a sum of Rs.8,00,000/- per month from 8 April 2008.

2. Mr. Hariani appearing for the Respondent submits that as of now nothing has been deposited by the Petitioner/original Defendant as regards the compensation amount as directed by order dated 18 December 2023.

3. Mr.Gauraj shah, seeks a short accommodation as his

arguing counsel is not available.

4. Learned Advocate for the Petitioner submits that his client has already filed R.A.D Suit and in the said R.A.D Suit his client has deposited a sum of Rs.1,73,479/- per month, pursuant to the order passed in the said R.A.D Suit on 19 August 2022.

5. In order to show their bona fide the Petitioner is directed to deposit a sum of Rs.1,73,479/- in the R.A.D. Suit No.692 of 2011, before the Court Small Causes at Mumbai. The entire outstanding amount at the rate of Rs.1,73,479/- per month due from 1 April 2023 till February 2024 should be deposited within a period of four weeks from today. And further, the Petitioner should deposit a sum of Rs.1,73,479/- on the 10th day of each month, till further orders of this Court.

6. It is further made clear that if the Respondent wants to withdraw the amount deposited by the Petitioner, the Respondent is permitted to withdraw the said amount with a prior notice of 48 hours to the Petitioner. Further on the amount which will be deposited by the Petitioner; the Petitioner undertakes to pay the GST applicable as per the rules.

7. Stand over to 11 March 2024. The matter to come up under the caption of "Admission".

8. In the meanwhile, no coercive steps should be taken against the Petitioner, subject to the payment of outstanding amount as directed by this Court.

(RAJESH S. PATIL, J.)