

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9017 OF 2024

Adrian Joseph Donald

... **Petitioner**

Versus

Maurice Francis Correa And Anr.

... **Respondents**

Mr. Vincent D'silva a/w Mr. Prabhat Dubey a/w Mr. Sujit Anil Mane for the Petitioner.

Mr. Darshit K. Jain a/w Mr. Udit Raghuwanshi i/b Ms. Divya Jain for the Respondent No.1.

CORAM : SANDEEP V. MARNE, J.

DATE : 6 AUGUST 2024.

P.C. :

1) This Petition is filed essentially expressing difficulties in making deposit of entire amount of interim compensation fixed by the Appellate Bench of the Small Causes Court by Order dated 9 February 2024.

2) There is no dispute to the position that the Petitioner has so far deposited Rs.3,50,000/- before the Appellate Bench and upto May 2024 further amount of Rs.3,12,266/- was due to be deposited. Mr. D'silva, the learned counsel appearing for Petitioner, after taking instructions from Petitioner makes a statement that the entire due amount of Rs.3,12,266/- shall be deposited before the Appellate Bench within a period of eight months alongwith interest at the rate of 8% per annum calculated from the months in which the amount became due and payable till the date of actual deposit. He further submits that the interim compensation for the months of

June, July and August 2024 shall be deposited alongwith interest at the rate of 8% per annum within a period of two weeks from today.

3) In my view, considering the difficulties expressed by the Petitioner, who is expecting certain funds after sale of shares upon amendment of the succession certificate, I am inclined to accept the request made by the Petitioner. Accordingly, the stay to the decree passed by the Appellate Bench shall revive subject to the condition of the Petitioner depositing amount of Rs.3,12,266/- alongwith interest at the rate of 8% per annum to be calculated from each month on which the amount became payable till the date of actual deposit within a period of eight months from today and further depositing the interim compensation for the months of June, July and August-2024 within a period of two weeks from today alongwith interest. It is made clear that, in the event of default in either of the payments, the stay granted by the Appellate Bench shall stand vacated and the decree shall become executable.

4) With the above directions, the Writ Petition is accordingly disposed of.

5) Needless to say that the Petitioner shall continue to pay the interim compensation from the month of September 2024 on every month as directed by the Appellate Bench.

6) Registry to accept Vakalatnama from Mr. Darshit Jain, the learned counsel appearing for Respondent No.1.

[SANDEEP V. MARNE, J.]