

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

WRIT PETITION NO. 10788 OF 2024

Taranjitsingh Bedi

...Petitioner

V/s.

Udyavara Raghvendra Acharya and Ors.

...Respondents

WITH

WRIT PETITION (ST)NO. 21696 OF 2024

Surinder Kaur Bedi

...Petitioner

V/s.

*Udyavara Raghvendra Acharya since deceased,
through Lrs and and Ors.*

...Respondents

Mr. Jaydeep Deo, for the Petitioner.

Ms. Dhruva Gandhi a/w Mr. Avdhoot Prabhu and Dhrumil C. Shah
i/b Lex Services, for the Respondent No.1(a) & 1(d) and Respondent
No.2.

CORAM : SANDEEP V. MARNE, J.

Dated : 1 AUGUST 2024.

P.C. :

1) Writ Petition (ST) No.21696 of 2024 is not on board. Taken on board, at the request of the learned counsel appearing for the parties.

2) These Petitions challenge orders dated 29 July 2024 passed by the Appellate Bench of Small Causes Court by which applications filed by Petitioner seeking condonation of delay in deposit of arrears of interim compensation as well as seeking extension of time of four months for deposit of such arrears dismissed.

3) It appears that Petitioners have suffered decrees for eviction on 25 May 2012 which are subject matter of challenge in Appeals filed by them before the Appellate Bench. Following the Judgment of the Apex Court in *Atma Ram Properties (P) Ltd Vs. Federal Motors (P) Ltd.*¹, the Appellate Bench granted stay to the decree of the Trial Court on the condition of Petitioners depositing amount of Rs.1,25,000/- and Rs.41,000/- towards interim compensation during pendency of the Appeals. The said orders dated 10 April 2013 passed by the Appellate Bench have been confirmed by this Court and by the Apex Court.

4) There is no dispute to the position that the amount of interim compensation has been deposited by the Petitioners regularly till March 2020. It is the Petitioners' case that on account of COVID-19 outbreak, the interim compensation could not be paid after April 2020. It appears that, on account of failure on the part of the Petitioners to deposit the amount of interim compensation, Respondents / Plaintiffs took out execution proceedings and only at that stage, Petitioners thought of moving applications in January

¹ (200) 1 SCC 705

2024 seeking condonation of delay in deposit of interim compensation as well as time of four months for payment of the arrears. The Appellate Bench has proceeded to dismiss the Applications by orders dated 29 July 2024.

5) It appears that the Appeals filed by Petitioners are pending since the year 2012. There is no dispute to the position that Petitioners have been regularly depositing the amount interim compensation for eight long years up to March 2020.

6) In that view of the matter, when the Appeal is at fag end of the decision, interest of justice demands that an opportunity needs to be granted to the Petitioners to deposit the entire arrears of interim compensation. However, since the Petitioners have delayed payment of deposit of interim compensation after April 2020, they will have to pay interest @ 8% on the amount of such interim compensation, in respect of each month from April 2020 onwards.

7) Writ Petitions are accordingly disposed of by setting aside order dated 29 July 2024 passed by the Appellate Bench of Small Causes Court. Petitioners would be at liberty to deposit the entire arrears of interim compensation from April 2020 along with interest @ 8% p.a. payable from the date on which each deposit became due till 31 August 2024. The amount shall be deposited by the Petitioners on or before 31 August 2024. The Petitioners shall thereafter continue depositing the amount of the interim compensation every

month from 1 September 2024. The execution proceedings initiated by Respondents / Plaintiffs shall remain suspended till 31 August 2024. In the event, Petitioners deposit the entire arrears of interim compensation along with interest till 31 August 2024, the executing Court shall close the execution proceedings with liberty to the Respondents / Plaintiffs to initiate fresh execution proceedings in the event of any subsequent defaults on the part of the Petitioners.

8) With the above directions, both the Writ Petitions are disposed of. Considering the fact the Appeals are pending since the year 2012, the Appellate Bench shall accord due priority for its expeditious disposal.

SANDEEP V. MARNE, J.

9) After the order is pronounced, the learned counsel appearing for Respondent Nos. 1(a) & 1(d) and Respondent No.2 request for stay of the order for a period of one week. Petitioners are granted time of four weeks to make the deposit. Stay to the order is sought to ensure execution of the decree. Therefore, the request for stay of the order is rejected.

SANDEEP V. MARNE, J.