



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAS) NO.817 OF 2024 IN
SECOND APPEAL NO.114 OF 2023

Farzana Begum w/o Mriza Shabbir and others Vs. Bhartiya Vaidyak
Samanvyay Samiti through its Secretary

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.M. Bhangde, Advocate for appellants.
Shri D.H. Sharma, Advocate for respondent.

CORAM : M.W. CHANDWANI, J.

DATE : 19.10.2024.

1. By the present application, the appellant is seeking modification of order dated 26.08.2024, whereby this Court has directed the appellant to pay amount of Rs.7,000/- per month to the respondent from the date of filing of this appeal as an occupancy charges with a further direction to clear arrears outstanding.

2. The submission is that it will be difficult for the appellant to pay the amount to the respondent and get a receipt from it. There may be dispute between the parties with regard to payment, therefore, according to him, if the amount is allowed to be deposited in this Court then this aspect can be taken care of.

3. I find substance in the argument of learned counsel for the appellant, hence, order dated 26.08.2024 is modified as under:

4. Instead of paying Rs.7,000/- per month to the respondent, the appellant is permitted to deposit the same in this Court. So far as arrears of outstanding dues is concerned, at the above said rates, the appellant shall clear entire arrears outstanding towards him within a week by directly paying to the respondent, provided that respondent shall file undertaking that in case of reversal of decree he will repay the appellant without any fuss. Henceforth, the appellant is directed to deposit amount of Rs.7,000/- per month towards occupancy charges in this Court.

5. The application is disposed of.

JUDGE

Wagh