

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4116 OF 2025

IN

WRIT PETITION NO.3736 OF 2018

ARJUN
VITTHAL
KUDHEKAR

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ARJUN VITTHAL
KUDHEKAR
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Kantidevi Rameshchandra Tiwari & Anr.

...Applicants

IN THE MATTER BETWEEN

Prabhakar Pandurang Shitole

...Petitioner

Versus

Kantidevi Rameshchandra Tiwari & Anr.

...Respondents

Mr. Vaibhav Kulkarni, for the Applicants in IA/4116/2025 and for the Respondents in WP/3736/2018.

Mr. R. M. Haridas i/b Pratik B. Rahade, for the Petitioner in WP/3736/2018.

CORAM: MADHAV J. JAMDAR, J.

DATED: 18 NOVEMBER 2025

P.C.:

1. Heard Mr. Kulkarni, learned Counsel appearing for the Applicants i.e. the Respondents in Writ Petition No.3736 of 2018 and Mr. Haridas, learned Counsel appearing for the Original Petitioner.

2. The relief sought in the Interim Application is seeking expeditious hearing of the Writ Petition and also dismissal of the Writ Petition on the ground of breach committed by the Petitioner of the Order dated 6th December 2018 passed by a learned Single Judge, by which an amount of Rs.3,000/- per month has been directed to be paid to the Respondent-Landlord.

3. Although it is the contention of the Respondent-Landlord that the Tenant has not paid the amount, an Affidavit-in-reply has been filed stating that the money orders have been refused by the Landlord. It is the contention of Mr. Kulkarni, learned Counsel for the Applicants that the money orders were not sent to the Landlord on the correct address. In any case, Mr. Haridas, learned Counsel for the Original Petitioner tenders a Demand Draft of Rs.2,40,000/- which is towards arrears up to September 2025.

4. Mr. Kulkarni, learned Counsel for the Landlord, states that he has instructions to accept the said Demand Draft without prejudice to the rights and contentions of the Landlord. He further states that as the Suit is of the year 2006, the Writ Petition be heard finally expeditiously.

5. Accordingly, Interim Application No.4116 of 2025 is disposed of in the following terms:

- i. As the Petitioner-Tenant has paid by a Demand Draft an amount of Rs.2,40,000/- which clears the arrears up to September 2025, it is not necessary to vacate the interim relief granted by this Court.
- ii. Mr. Haridas, learned Counsel for the Petitioner-Tenant, states that till the hearing of the Writ Petition, the Petitioner will pay Rs.3,000/- per month on or before 15th day of each month by RTGS/NEFT or by Google Pay, as per the convenience of the Landlord.

iii. As the Suit is of the year 2006 and as a concurrent decree of eviction has been passed, list the Writ Petition in the 'Final Hearing' board in the week commencing from 5th January 2026.

6. Accordingly, the Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]