

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4166 OF 2025

IN

CIVIL REVISION APPLICATION NO.684 OF 2014

Ashok Punamchand Panchal ...Applicant

IN THE MATTER BETWEEN:

Smt. Kamlaben Punamchand Panchal ...Applicant

Versus

Jayaben Hemendrabhai Jethwa & Ors. ...Respondents

Mr. Shlok Parekh a/w Mr. Kinjal Kakkad i/b Jayesh R. Vyas, for the Applicant.

Mr. V. S. Kapse, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.

DATED: 2nd APRIL 2025

P.C.:

1. Not on board. Taken on board.

2. In the Interim Application the relief sought is as follows:-

“(a) that this Hon'ble Court be pleased to condone the delay in taking out the captioned Application.

(b) that pending the hearing and final disposal of the present Civil Revision Application, this Hon'ble Court be pleased to permit the Applicant to amend the captioned Civil Revision Application and Interim Application No.4688 of 2023 as per the Schedule being Exhibit - D annexed to the present Interim Application.

(c) that pending the hearing and final disposal of the captioned Civil Revision Application, this Hon'ble Court be pleased to permit the Applicant to deposit arrears of compensation of Rs.1,20,000/- and arrears of contractual rent of Rs.18,000/- till date, before this Hon'ble Court and before the Hon'ble Small Causes Court at Bandra, respectively, in accordance with the terms of the Order dated 4th September, 2017, within

such time and upon such terms and conditions as this Hon'ble Court deems fit and proper;

(d) that pending the hearing and final disposal of the captioned Civil Revision Application, this Hon'ble Court be pleased to permit the Applicant to deposit contractual rent of Rs.300/- per month, before the Hon'ble Small Causes Court at Bandra, respectively, in accordance with the terms of the Order dated 21st June, 2016;

(e) that pending the hearing and final disposal of the captioned Civil Revision Application, this Hon'ble Court be pleased to continue the ad-interim relief granted vide Order dated 21st June 2016.

(f) that pending the hearing and final disposal of the Civil Revision Application, this Hon'ble Court be pleased to stay the Execution Application No.98 of 2015 pending before the Hon'ble Court of Small Causes at Bandra, Mumbai initiated by the Respondents herein.”

3. It is the submission of Mr. Shlok Parekh, learned Counsel appearing for the Applicant that the Original Applicant i.e. the mother of the present Applicant passed away on 26th April 2024. However, he submits that the Original Applicant suffered paralysis earlier and during Covid-19 period, her health deteriorated. He submitted that therefore the Order dated 4th September 2017, passed by this Court could not be complied with. He submits that for various reasons the Order dated 4th September 2017, passed by a learned Single Judge in Civil Application No.682 of 2016 in Civil Revision Application No.684 of 2014 read with Order dated 21st June 2016, passed in Civil Revision Application No.684 of 2014 could not be complied with. He states that the amount directed

to be deposited in this Court, is not deposited since March 2020. He further states that amount of rent directed to be deposited in the Small Causes Court has also been not deposited since March 2020. He states that the arrears are to the tune of Rs.6,00,000/- to be deposited in this Court and as well as the arrears to be deposited in the Small Causes Court are of Rs.18,000/-. He states that as far as the arrears to be deposited in the Small Causes Court is concerned the same will be deposited within a period of 3 weeks from today. He further states that as far as arrears of Rs.6,00,000/- are concerned the same will be deposited in this Court by three equal monthly installments and the same will be deposited on or before 10th July 2025. He states that 1st installment of an amount of Rs.2,00,000/- will be deposited on or before 10th May 2025, 2nd installment of an amount of Rs.2,00,000/- will be deposited on or before 10th June 2025 and last installment of an amount of Rs.2,00,000/- will be deposited on or before 10th July 2025. He further states that with effect from 1st April 2025, the compensation will be deposited at the rate of Rs.15,000/- per month. He states that the said compensation will be deposited on or before 10th day of each succeeding month.

4. Mr. Shlok Parekh, learned Counsel made all these statements on instructions of the Applicant - Ashok Punamchand Panchal who is personally present in Court. All these statements are accepted as

undertakings given to this Court.

5. Mr. Kapse, learned Counsel states that if any default is committed in payment any of these amounts then it be directed that the interim relief granted by this Court by Order dated 21st June 2016 read with Order dated 4th September 2017 shall stand vacated forthwith.

6. Accordingly, following order is passed.

ORDER

i. The Applicant shall deposit an amount of Rs.6,00,000/- towards arrears of compensation in this Court in the following manner:-

- (a) On or before, 10th May 2025 – Rs.2,00,000/-
- (b) On or before, 10th June 2025– Rs.2,00,000/-
- (c) On or before, 10th July 2025 – Rs.2,00,000/-

ii. The Applicant shall deposit arrears of Rs.18,000/- towards rent in the Small Causes Court, Mumbai on or before 25th April 2025.

iii. The Applicant shall pay compensation at the rate of Rs.15,000/- per month with effect from 1st April 2025. The said payment is to be made on or before 10th day of each succeeding month.

iv. The Applicant shall continue to deposit Rs.300/- per month in the Small Causes Court, Mumbai towards rent on or before 10th day of each succeeding month.

v. If the Applicant commits any default in depositing above amounts then the stay granted by this Court by Order dated 21st June 2016 in the Civil Revision Application No.684 of 2014 read with Order dated 4th September 2017 passed in Civil Application No.682 of 2016 in Civil Revision Application No.684 of 2014 shall stand vacated forthwith.

vi. The statements made by the learned Counsel appearing for the Applicant on instructions of the Applicant, who is personally present in Court as recorded in earlier part of the order are accepted as undertakings given to this Court.

vii. Accordingly, the Interim Application is allowed in terms of prayer clauses (a) to (e) subject to above. Amendment be carried out within a period of 4 weeks from today. Reverification is dispensed with. Amended copy of the Civil Revision Application be served on the

Respondents immediately.

- 7.** It is clarified that this Order is passed without prejudice to the rights and contentions of both the parties.

[MADHAV J. JAMDAR, J.]

Note: This order is corrected as per order dated 8th April 2025.