

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3450 OF 2026

IN

WRIT PETITION NO. 2478 OF 2025

Sunil Naraindas Karia

...Applicant

IN THE MATTER BETWEEN :

Hari Karamshi Thakkar

....Petitioner

V/s.

Sunil Naraindas Karia

...Respondent

INTERIM APPLICATION NO. 3451 OF 2026

IN

WRIT PETITION NO. 2478 OF 2025

Hari Karamshi Thakkar

....Petitioner

V/s.

Sunil Naraindas Karia

...Respondent

INTERIM APPLICATION NO. 441 OF 2026

IN

WRIT PETITION NO. 2479 OF 2025

Sunil Naraindas Karia

...Applicant

IN THE MATTER BETWEEN :

Hasmukh Thakker (since deceased)

....Petitioners

1a. Smt. Bharati Hasmukh Thakkar &
Ors.

V/s.

Sunil Naraindas Karia

...Respondent

INTERIM APPLICATION NO. 442 OF 2026

IN

WRIT PETITION NO. 2479 OF 2025

Hasmukh Thakker (since deceased)
1a. Smt. Bharati Hasmukh Thakkar &
Ors.

....Petitioners/Applicants

V/s.

Sunil Naraindas Karia

...Respondent

Mr. Sunil N. Karia, Applicant in person.

Ms. Janhavi Jadhav *i/b. Mr. Pranil Sonawane, for the Respondent.*

CORAM: SANDEEP V. MARNE, J.

DATED: 4 May 2026.

P.C.:

1) These Interim Applications are filed for vacating the stay granted vide order dated 26 February 2025. The Applicant complains that the Original Petitioner is neither depositing the adhoc monthly compensation fixed by this Court vide order dated 26 February 2025 nor

he is prosecuting application for stay pending before the Appellate Bench of the Small Causes Court. He submits that after depositing the arrears as contemplated in para-4 of the order dated 26 February 2025, no deposits are made by the Original Petitioner from April 2025. He submits that the Original Petitioner is using the order dated 26 February 2025 as a shield and is deliberately not arguing the application for stay. He submits that once application for stay is decided, the Appellate Bench would be in a position to fix correct amount of interim compensation. However, with a view to delay fixation of correct amount of interim compensation, the Original Petitioner is deliberately not arguing the application for stay.

2) On the other hand, it is contended by the learned counsel appearing for the Original Petitioner that on account of inadvertent delay in making deposit of interim compensation for only one month, the entire deposit from April 2025 is held up and that necessary application is already filed before the Appellate Court for permitting deposit of interim compensation from April 2025 onwards. Similar applications are taken out by the Original Petitioners seeking to deposit the arrears of interim compensation from March 2025 onwards.

3) In my view in order to cut short the controversy, it would be appropriate to permit the Original Petitioner to make deposit of arrears of interim compensation from April 2025 by imposing some costs. Similarly, the stay on execution proceeding cannot continue for indefinite period as the stay application is not decided by the Appellate Court despite passage of about 15 months from the date of passing of order dated 26 February 2025. I accordingly proceed to pass the following order :

(i) The Original Petitioners shall be at liberty to deposit the entire arrears of adhoc interim compensation fixed vide order dated 26 February 2025 in respect of the period from April 2025 upto May 2026 on/or before 15 May 2026 subject to payment of costs of Rs.25,000/- in each of the Appeals to the Applicant/Plaintiff.

(ii) Payment of costs to be condition precedent for making deposit of arrears of interim compensation by 15 May 2026.

(iii) The stay to the execution proceedings granted in para-8 of the order dated 26 February 2025 shall continue only upto 30 June 2026 before which the Original Petitioners will be at liberty to prosecute and get decided the application for stay pending before the Appellate Court.

4) With the above directions, all the Interim Applications are disposed of.

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
2026.05.05
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+0530

[SANDEEP V. MARNE, J.]