

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 112 OF 2016

Mrs. Razia Begum Nuruddin Ansari
Vs.

..Applicant

Mr. Abdul Hai Abdul Khalik & Anr

..Respondents

WITH
CIVIL APPLICATION NO.1 OF 2017
IN
CIVIL REVISION APPLICATION NO.112 OF 2016

Mrs. Razia Begum Nuruddin Ansari

..Applicant /
Original Applicant

Vs.

Mr. Abdul Hai Abdul Khalik & Anr

..original Respondents /
Applicant

Mr. S. S. Shah i/b Mr. Ashok Kumar for the Applicant

Mr. M. A. Adenwala for the Respondent No.1 and for the Applicant in Civil Application

CORAM : R. M. SAVANT, J.

DATE : 30th MARCH, 2017

P.C.

1 The above Civil Revision Application has been listed for compliance in terms of the order dated 23-2-2017 passed by a Learned Single Judge of this Court (N. M.Jamdar J.). By the said order time up to 29-3-2017 was granted to deposit the said amount of Rs.1,25,000/- which was the balance remaining to be deposited out of the amount of Rs.3,00,000/- which were the arrears up to December 2016. The Learned Counsel appearing on behalf of the Applicant Mr. Shah states that amount of Rs.1,25,000/- has been

deposited in this court by the Applicant vide Cheque bearing No.009972 dated 21-3-2017 for the sum of Rs.1,00,000/- drawn on Union Bank of India, Grant Road (E) Branch Mumbai 400 007 and Cheque bearing No.674795 dated 23-3-2017 for Rs.25,000/- drawn on State Bank of India, Bombay Central, MSRTC Branch, Mumbai Central, making the total sum of Rs.1,25,000/-. Hence the total amount deposited in this Court is in the sum of Rs.3,00,000/-

2 It is required to be noted that the order impugned in the above Civil Revision Application is passed by the Appellate Bench of the Small Causes Court on the ground that the Applicant had failed to deposit the arrears of compensation as directed by it. In view of the deposit now made by the Applicant in this Court, the said order passed by the Appellate Court can be said to have been complied with. The impugned order dated 5-12-2016 would accordingly stand set aside resultantly Misc Appeal No.143 of 2013 would stand restored to file, to be dealt with in accordance with law. The Learned Counsel appearing for the Applicant on instructions of the Applicant undertakes to this court that the Applicant would go on making the deposit of Rs.5000/- per month in the Small Causes Court pending the Appeal from 1-1-2017. Undertaking accepted.

3 The amount of Rs.3,00,000/- lying in deposit in this Court is directed to be transferred to the Small Causes Court, Mumbai and would lie

deposited in the account of Misc Appeal No.143 of 2013 till the disposal of the said Appeal with liberty to the Respondent herein to file an application for withdrawal of the amount. Needless to state that if any such application is filed, the same would be considered by the Trial Court on its own merits and in accordance with law.

4 The hearing of the Misc Appeal is expedited.

5 With the aforesaid directions the above Civil Revision Application is disposed of.

6 In view of the disposal of the above Civil Revision Application, the Civil Application No.1 of 2017 does not survive and to accordingly stand disposed of as such.

[R.M.SAVANT, J]