

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 19933 OF 2022
IN
FIRST APPEAL NO. 1926 OF 2008

S. Daniel & Ors ... Applicants

In the matter between

Jebakumar, Christian & Ors. ... Appellants

V/s.

Rev John Dason (Deceased)
S. Daniel & Ors. ... Respondents

WITH
INTERIM APPLICATION NO. 19935 OF 2024
WITH
CIVIL APPLICATION NO. 573 OF 2010
IN
FIRST APPEAL NO. 1926 OF 2008

Ms. Prachi Khandge a/w. Mr. Aditya Mahamiya for Applicants/(original Respondents).

Mr. J.S. Kini a/w. Mr. Aum Kini, Mr. Siddhu Ingawale i/b. Ms. Sapna Krishnappa for Respondents in IA/19933/2022/(original Appellants).

CORAM : FARHAN P. DUBASH, J.

DATE : 13th MARCH 2026

P. C.:

1. By an order dated 23rd October 2008, this Court had directed the Appellants to make a payment of ₹ 1,000/- per month to the Respondents towards electricity charges, mike expenses, etc. This Court had also further

directed that the remuneration of two watchmen who are employed at the Church are also required to be paid by the Appellants. This order was to be complied with pending the hearing and final disposal of the present First Appeal, which is still pending as on today.

2. The Appellants were regularly making this payment since 1st May 2022. On 13th August 2022, the Respondents addressed a letter to the Appellants informing them that the watchmen charges had increased from a sum of ₹ 6000/- per month to ₹ 12,000 per month (per watchman). The Appellants were informed that there was only one watchman at site and therefore, they would henceforth be required to pay a sum of ₹ 12,000 per month. It appears that despite this communication, the Appellants continued to pay for the watchman at the rate of ₹ 6000/- per month. As a result, the Respondents contend that the Appellants are in arrears and have failed to comply with the earlier order dated 23rd October 2008.

3. After the matter was argued at length, this Court is of the view that prior to the First Appeal being taken up for hearing, the Appellants should first comply with the said order dated 23rd October 2008 and make the payment of all arrears till today calculated at the rate of ₹ 1000/- per month towards electricity and ₹ 12,000 per month towards the watchman w.e.f. May 2022 till today.

4. Mr. Kini, learned Counsel who appears on behalf of the Appellants, on instructions of his clients who are present in Court today states that on or before 30th March 2026, the Appellants will clear the entire arrears pending till 31st March 2026. The Appellants are directed to deposit the said amount with the Registrar (Judicial-I), High Court, Appellate Side, Bombay who shall thereafter permit the Respondents to withdraw the same unconditionally.

5. It is hereby clarified that pending the Appeal, the Appellants shall not be prevented from using the mike or from offering services from the altar.

6. List this matter on 2nd April 2026 under the caption '**For Compliance**'.

(FARHAN P. DUBASH, J.)

Ajay Jadhav