

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.511 OF 2012
WITH
CIVIL APPLICATION NO.586 OF 2012
WITH
CIVIL APPLICATION NO.633 OF 2012

Mr. Kersi Jimmy Engineer ... Applicant
Vs.
The Trustees of Parsi Punchayet Funds and Properties
and others ... Respondents

Mr. R. N. Bhagattjee for the Applicant.
Mr. Agnel Cornio i/b. Mulla & Mulla for Respondents.

CORAM : S. V. GANGAPURWALA, J.
DATE : 12TH JULY, 2013

P.C.:

The matter is placed for confirmation of stay.

2. Mr. Cornio, learned Counsel for the non-applicant submits that the non-applicant has submitted the valuation report according to which the rental value is Rs.12,000/- per month.

3. Mr. Bhagattjee, learned Counsel for the applicant submits that the Courts below have gone on wrong premise. The applicant has been declared as a tenant. As such, no question arises evicting the present applicant. It was on the basis of the wrong statement made, the decree is passed.

4. The Suit of the present applicant was prior in point of time and the present applicant is declared as a tenant by the competent Court and no appeal has been filed challenging the same.
5. The contentions of the applicant would be considered at the time of final hearing as the Revision is already admitted.
5. Today, the decree is in favour of the non-applicant. The equities will have to be adjusted.
6. In light of that, I pass the following order:
 - a. The revision applicant shall deposit the amount of Rs.5,000/- per month from the date of the appellate Court's decree;
 - b. The arrears shall be deposited on or before 30.11.2013;
 - c. The applicant shall thereafter deposit Rs.5,000/- per month on or before tenth day of each calendar month;
 - d. Non-adherence to the condition would result in the stay being vacated.
7. Hearing of C.R.A. is expedited.

(S. V. GANGAPURWALA, J.)