

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. No.3 of 2011 IN Petition(s) for Special Leave to Appeal (Civil)
No(s).20838/2010

(From the judgement and order dated 03/05/2010 in WP No. 6587/2009 of
The HIGH COURT OF BOMBAY)

AMIT B. DALAL Petitioner(s)

VERSUS

RAJESH K. DOCTOR Respondent(s)

Date: 28/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s)

Mr. Shivaji M. Jadhav, Adv.

For Respondent(s)

Mr. Vinay Navare, Adv.
Mr. Keshav Ranjan, Adv.
Ms. Abha R. Sharma, Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A. No.3 has been filed on behalf of the respondent in the special leave petition with a prayer to vacate the interim order passed on 28th July, 2010, in the special leave petition directing the parties to maintain status quo with regard to the suit property.

In support of the petition, it has been submitted that after the petitioner obtained an order of status quo, he has not deposited any amount by way of compensation for use of the suit property and that there were dues outstanding from the petitioner to a sum of Rs.8 lacs and odd.

The said calculation has been questioned on behalf of the petitioner in view of his submission that the provisions of Section 24 of the Maharashtra Rent Control Act, 1999, would have no application in respect of an unregistered document in view of the provisions of the Registration Act.

It had been our intention to hear the matter at an early date since only a question of law was involved, but unfortunately, it has not been possible to hear out the matter. In such circumstances, we direct the petitioner to pay to the respondent a further sum of Rs.3 lacs, in addition to the sum already paid in terms of the directions given by the competent authority, within the month of February, 2011. The petitioner shall also go on paying to the respondent a sum of Rs.20,000/- each month, with effect from the month of February, 2011, towards compensation for use of the suit property, till the special leave petition is heard and disposed of.

Let the special leave petition be listed for final disposal on 5th April, 2011, within the first three items of hearing.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Court Master