

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1461 OF 2015

Bharat Petroleum Corporation Ltd. .. Petitioner
vs.
Mr. Ratan Kawas Lalkaka (deleted)
1(a) Mr. Noshir R. Kasad & Ors. .. Respondents

Mr. N. M. Sakhardande with Mr. S. R. Page for Petitioner.
Mr. P. M. Rustom Khan for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE: 30 JUNE 2015

P.C. :-

1] The draft minutes of the order have been handed in by the learned counsels for the parties. The same are taken on record and marked as 'X' for the purposes of identification. Along with the minutes, the parties have also handed in the drafts of two bank guarantees, which are also taken on record and marked as 'Y' and 'Z' for the purposes of identification.

2] There shall be an order in terms of the minutes, subject to the following modifications :

(A) In the minutes, there is a reference to 'mesne profits'. It is clarified that this shall mean and imply 'reasonable compensation' as a condition for the interim relief which the

petitioner has obtained in the matter of execution of eviction decree. Accordingly, the issue of mesne profits, which is pending consideration before the appeal Court to be decided by the appeal Court, without in any manner being influenced by the terminology employed or question reflected in the minutes of the order.

(B) In the last but one paragraph, there is reference to entitlement of respondent nos. 1(a) to 4 executing the decree '*without notice to the petitioners*'. Instead, the same should be read as '*with notice to the petitioners*'.

3] Subject to the aforesaid, there shall be an order in terms of the minutes. This writ petition is disposed of in the aforesaid terms. Both parties are left to bear their own costs.

4] All concerned to act on basis of an authenticated copy of this order.

(M. S. SONAK, J.)