

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.332 OF 2015
WITH
CIVIL APPLICATION NO.434 OF 2015

Canara Bank.] ... Applicant

Versus

M/s. Savani Construction Corporation.] ... Respondent

Mr. S. K. Phuthran for Applicant.

Mr. Vivek Rana h/f Mr. I. R. Joshi & Co. for Respondent.

CORAM :- M. S. SONAK, J.

DATE :- AUGUST 31, 2015

P. C. :-

1. Rule.

2. There is no necessity to stay the direction with regard to determination of mesne profit. The Trial Court to proceed with such determination. However, if, in pursuance of such determination, the Applicant, without prejudice to the contentions raised in this Civil Revision Application, deposits the amount so determined within a period of 8 weeks from the date of determination, the decree insofar as recover of such mesne profit, shall not be put into execution. In this regard, the Respondent shall have the liberty to apply to this Court.

3. The learned Counsel for Applicant has already made a statement that the possession of the suit premises has been delivered to the Respondent on 19/05/2014. Such statement is also made in the Civil Application, which the Applicant has separately taken out for seeking interim relief. The learned Counsel for Applicant states that the Civil Revision Application is restricted to the issue of determination of mesne profit.

4. The Civil Application which is not on board, is taken on board and disposed of in the aforesaid terms.

(M. S. SONAK, J.)