

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1298 OF 2015
IN
APPEAL FROM ORDER (ST) NO.24236 OF 2015

Dr. Debraj Shome & Anr.	...	Applicants / Ori Defendants
Vs.		
Siesta Hospitality Services Ltd.	...	Respondent

Mr. Ashish Mehta, Adv. a/w. Ms. Trishla Yelve, Adv. a/w. Mr. Prakash Mishra, Adv. i/b. Ashish Mehta, Adv. for applicants.
Mr. Avinash Singh Gautama, Adv. i/b. Indus Law for respondent.

CORAM : MRS. ROSHAN DALVI, J.
DATE : 9th September, 2015.

P.C. :

1. Rule. Returnable forthwith.
2. The parties agree that the suit premises has certain movable properties of the appellants. The appellants agree to take away movable properties in terms of prayer 'a' of the Notice of Motion. The respondent agrees to handover movable properties in terms of prayer 'a' of the Notice of Motion. Since there is no dispute prayer 'a' of the Notice of Motion is required to be granted. It has not been granted and the property is directed to remain locked. Hence that order, upon the consent of both the advocates of both the parties, is modified and replaced by the following order.

1. The appellant as also respondent in the presence of one legal representative of both the parties, if required, shall attend at the suit flat at 11 a.m. on 15th September, 2015.

2. The respondent shall open the lock of the suit flat.
3. The appellant shall be entitled to take away all the movable items listed in Exh.B to the plaint.
4. The legal representative, if any, of the parties or the parties themselves shall make a list of each of the items which would be taken away.
5. Both the parties and their legal representative shall sign the list.
6. So soon as all the articles are removed from the suit premises the respondent shall re-lock the suit premises.
7. The flat shall remain locked as per the order of Bombay City Civil Court until 11 a.m. of 15th September, 2015.
8. Both Appeal from Order and Civil Application are disposed of accordingly.

(ROSHAN DALVI, J.)

C E R T I F I C A T E

Certified to be true and correct copy of the original signed order.