

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.614 OF 2015

IN

CIVIL REVISION APPLICATION NO.849 OF 2014

Central Bank of India

.. Applicant

IN THE MATTER BETWEEN

Central Bank of India

.. Applicant

Versus

Mr. Harish Dadoba Thakoor

.. Respondent

Mr. S. M. Gorwadkar, Senior Advocate i/by Mr. J. K. Jadhav, for the Applicant.

Ms. Jui A. Nerurkar, for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 2nd DECEMBER, 2015

PC.

1. The above Civil Application has been filed seeking the following relief :-

“(a) That this Hon'ble Court be pleased to extend time to vacate and hand over vacant and peaceful possession of the suit premises viz. premises situated at 192/193 Gokhale Road, Opp. Kitte Bhandari Hall, Dadar (West), Mumbai 400 028 by further period of nine months on such terms and conditions as deemed fit and proper by this Hon'ble Court.

(b) For such further and other reliefs as the nature and circumstances of the case may require.”

The cause for moving the above Civil Application is the fact that by order dated 10th September 2015, the above Civil Revision Application filed by the Applicant Bank came to be dismissed. However, the Applicant Bank was granted 12 weeks time to vacate the premises on furnishing an undertaking to this Court as also on the condition that it would continue to pay compensation at the rate of Rs.1,80,000/- per month which was the interim arrangement pending the above Civil Revision Application. The said period of 12 weeks to vacate the premises has come to an end today.

2. The reasons why the Applicant Bank has not been able to vacate the premises within the time stipulated in the said order dated 10th September 2015 have been mentioned in the Civil Application and especially in paragraphs 11 to 14 thereof. The sum and substance of the reasons is that the Applicant Bank was required to issue advertisements calling for offers from the owners who are ready to let out the premises to the Bank. It is pursuant to the said advertisements that offers were received, out of which two premises have been shortlisted by the Applicant Bank. It is further mentioned in the Civil Application that after approval from the higher authorities certain alterations and renovations would have to be carried out which are mentioned in paragraph 13 in clauses (i) to (iv) thereof. The Applicant Bank is therefore seeking an extension of 9 months to vacate the premises in question.

3. The Learned Counsel appearing on behalf of the Respondent landlord opposes the application and it was the submission of the Learned Counsel that in spite of a period of 3 months being granted to the Applicant Bank, no steps have been taken to shift the branch to another premises. It was the submission of the Learned Counsel that the premises are admeasuring about 3000 sq.ft. and grave financial loss is being caused to the Respondent though he has a decree in his favour. Upon this, the Learned Senior Counsel appearing on behalf of the Applicant Bank would on instructions of the advocate on record Mr. J. K. Jadhav would submit that the Applicant Bank is amenable to paying a higher compensation, if this Court so deems it appropriate as a condition for grant of extension. The Learned Senior Counsel would further submit that the Applicant Bank would refurnish an undertaking for the extended period in terms of the undertaking which has already been filed pursuant to the said order dated 10th September 2015.

4. Having heard the Learned Counsel for the parties, in my view, considering the fact that the Applicant Bank is a Nationalized Bank and has taken steps in the interregnum for finding new premises to relocate the branch at Dadar (West), the interest of justice would be served, if the Civil Application is disposed of by issuing the following directions :-

I) The time to vacate the suit premises is extended up to 31st August 2016 on the usual undertaking being filed in this Court by the Applicant Bank. The same to be done within two weeks from date.

II) The Applicant Bank to pay compensation at the rate of Rs.2,25,000/- per month starting from December 2015 to August 2016.

III) It is made clear that no further extension would be asked for and nor would be granted by this Court.

IV) It is made clear that the amounts paid would be subject to the outcome of the inquiry under Order 20 Rule 12 of the CPC.

[R.M. SAVANT, J]