

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

**CIVIL APPLICATION NO.47 OF 2017
IN
CIVIL REVISION APPLICATION NO.323 OF 2012**

UBS Publishers & Distributors Pvt. Ltd. ..Applicant

IN THE MATTER BETWEEN

UBS Publishers & Distributors Pvt. Ltd. ..Applicant

Versus

Martin Harris Limited ..Respondent

Shri. P. G. Lad for the Applicant.

Shri. Hasmit Trivedi i/by Shri. D. S. Sabnis for the Respondent.

CORAM : R. M. SAVANT, J.

DATE : 12th APRIL, 2017

PC.

1 The above Civil Application has been filed seeking extension of time to hand over the premises, for which time was stipulated by the order dated 05.02.2013. The time stipulated by the said order was upto 31.01.2017. There is no dispute about the fact that the possession has been handed over back to the original Respondent Martin Harris Limited on 03.03.2017 and therefore there is a delay of one month and three days in handing over possession. The said delay has been sought to be explained by the reasons mentioned in paragraph 5 of the Civil Application. In terms of the said order dated 05.02.2013 the Applicant

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was to pay compensation at the rate of Rs.1,00,000/- per month for the use of the premises. The Learned Counsel for the Applicant Shri. P. G. Lad hands over a cheque for Rs.1,00,000/- to be paid to the Respondent Martin Harris Limited for the occupation of the premises beyond 31.01.2017 upto 03.03.2017. Initially the Learned Counsel Shri. Hasmit Trivedi showed his inability to accept the said cheque on account of the fact that he was bereft of instructions in that regard however later on has accepted the cheque for Rs.1,00,000/- which has been produced by Shri. P. G. Lad.

2 In my view, it is necessary to give a quietus to the issue in view of the handing over of possession as also the fact that a cheque for Rs.1,00,000/- for the extended period has now been handed over to the Learned Counsel Shri. Hasmit Trivedi appearing for the Respondent Martin Harris Limited. The Civil Application is accordingly allowed. The time to hand over possession is extended upto 03.03.2017. The cheque for Rs.1,00,000/- is accepted by Shri. Hasmit Trivedi albeit without prejudice to the rights and contentions of the parties. The Civil Application is allowed to be aforesaid extent and to accordingly stand disposed of as such.

[R.M.SAVANT, J]