

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

WRIT PETITION STAMP NO.8436 OF 2017

Bullworker Pvt. Ltd.

..Petitioner

Versus

Rajiv Satyanarayan Somani and others

..Respondents

Shri. P. S. Dani, Senior Advocate a/w Shri. A. Dasgupta i/by Jhangiani Narula and Associates for the Petitioner.

Shri. Prasad Dhakephalkar, Senior Advocate a/w Ravina Rajpal, Jaideep Deo, Sayli Tomey i/by Singh and Singh Malhotra and Hedge for the Respondents.

CORAM : R. M. SAVANT, J.

DATE : 28th APRIL, 2017

PC.

1 The above Petition takes exception to the order dated 27.02.2017 passed by the Appellate Bench of the Small Causes Court. By the said order, the Appellate Bench of the Small Causes Court has imposed the condition of payment of compensation at the rate of Rs.10,00,000/- per month as a condition for grant of the stay of the decree passed by the Trial Court. The above Petition was moved for urgent orders before a Learned Single Judge of this Court on 24.03.2017 when the Learned Judge passed a protective order of no coercive steps to be taken on the condition that the Petitioner deposits 25% of the arrears before the next date. Admittedly, no such amount has been deposited by

the Petitioner. The Learned Senior Counsel appearing on behalf of the Petitioner Shri. P. S. Dani on instructions of the director of the Petitioner Shri. K. L. Sethia who is personally present in Court who is identified by Shri. A. Dasgupta of the Attorneys of the Petitioner states that the Petitioner would not press the above Petition and undertakes to hand over possession of the suit premises on or before 10.05.2017. Statement accepted. The Learned Counsel however requests this Court that the Appeal pending before the Appellate Bench of the Small Causes Court be expedited. In view of the said statement made by the Learned Senior Counsel appearing on behalf of the Petitioner, the Petition is disposed of as not pressed. The statement as above is accepted.

2 However, the hearing of the Appeal is expedited.

3 The Petitioner is permitted to deposit the arrears of rent and to further go on depositing the rent in the Appellate Court.

4 It is clarified that the instant order would not come in the way of the Respondents/landlords from filing any application for mesne profits which would be tried on its own merits and in accordance with law.

[R.M.SAVANT, J]