

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil Application NO. 1500 OF 2017

IN

Writ Petition NO. 9227 OF 2003

Ashok Atmaram Desai

...Petitioner

Versus

The Saraswat Co-op.Bank Ltd.

...Respondent

And

The Saraswat Co-op.Bank Ltd.

...Applicant

Ms.Shyamali Gadre i/b. Little & Co., for the Applicant.

Mr.D.S.Patil i/b. Mr.S.S.Aradhya, for the Respondent.

CORAM : G.S. KULKARNI, J.

DATED : 11th JULY, 2017

P.C.:

1. This civil application is by the respondent-Saraswat Co-operative Bank Ltd.- a successful landlord before the Courts below. The contention is that the petition is pending final hearing and the premises in question are required for housing of the employees. It is also stated that the interim orders passed by this Court at the time of admission, are not complied by the original petitioner, by which it can be inferred that the petitioner is not serious to contest the petition. It is submitted that in any case as there is a eviction decree against the petitioner and the usual conditions of an interim stay are not complied, the interim protection

would cease to operate.

2. Be that as it may, considering the averments as made in the petition, it would be appropriate and in the interest of justice that this petition be heard at an early date. Accordingly, list this petition on the final hearing board commencing on 1 August 2017.

3. As regards the contention of the applicant of non compliance of interim orders, the applicant has a remedy in law and, therefore, this contention cannot be accepted in this application.

4. Civil application is accordingly disposed of in the above terms
No costs.

(G.S.KULKARNI, J.)