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

***CIVIL APPLICATION NO.591 OF 2016***
***IN***
***CIVIL REVISION APPLICATION NO.946 OF 2010***

Ashok Devraj Gupta … Applicant
Vs
M/s. Ambica Sewing Machine Pvt. Ltd. … Respondent

…

Mr. Javed Aktar Khan for the Applicant.
Mr. Ram Apte senior Advocate a/w Ms. Pooja Joshi i/b. India Law Alliance for the Respondent.

***CORAM : M. S. SONAK, J.***
***DATE :12th OCTOBER, 2017***

***P.C. :***

1. Heard the learned counsel for the parties.

2. There is no case made out for modification of the order dated 9th July 2012, except to the limited extend of permitting the Trial Court to proceed with the inquiry for determination of *mesne* profit. Accordingly, the Trial Court, is permitted to proceed with the inquiry for determination of *mesne* profit in accordance with law and on its own merits. Upon such determination however, the applicant, shall not be entitled to execute the decree for *mesne* profit, since, the

decree has been stayed. This liberty is granted, because if the Revision Application is ultimately dismissed, such inquiry will have to be held at that stage. Instead, there will be no prejudice to the parties to the inquiry proceeds right away. No doubt, all these proceedings will be without prejudice of the right and contention of both the parties in the pending Civil Revision Application.

3. Insofar as, application for deposit or withdrawl of admitted rent are concerned, the parties are at liberty to apply at the Trial Court.

**(M. S. SONAK, J.)**