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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 325 OF 2015
IN
FIRST APPEAL NO. 423 OF 2014

Ramashankar Chandrikaprasad Mishra ...Applicant

Versus

M Sunder K Shetty (dead) through heirs and legal ...Respondents
representatives Prem Chowta & Ors

Mrs Anita Vasani, *i/b M/s. Pandey & Co., for the Applicant.*
An Advocate, *i/b AG Revankar & Co., for the Respondents.*

CORAM: G.S. PATEL, J
DATED: 27th June 2017

PC:-

1. This is the Respondents' Civil Application seeking an interim order that the Appellants, who have challenged the decree passed against them, do pay mesne profits and compensation at Rs. 25,000/- per month. It will not be possible to grant such a relief. The issue will have to be considered at the final hearing of the Appeal and is accordingly left open to the final hearing of the Appeal.

2. The Civil Application itself is however disposed of. This is on the basis that if the Appeal fails, the Respondents will undoubtedly

be able to get the full amount of mesne profits and no separate Civil Application is required for that purpose. In any case, ordering mesne profits at this stage would be directly contrary to the order of stay granted on the Appellants' Civil Application No. 1369 of 2014.

3. In any case, on behalf of the Appellants it is stated that the amount of mesne profits decreed by the Trial Court has been paid till October 2017. Any claim in addition will have to be assessed at the final hearing of the Appeal.

4. The Civil Application is disposed of in these terms with no order as to costs.

(G. S. PATEL, J)