

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

CIVIL REVISION APPLICATION NO. 144 OF 2015

United India Insurance Co. Ltd.

...Applicant

Vs.

Pushpa Chandanmal Jain & Ors.

... Respondents

.....

Mr. V. Y. Sanglikar for the Applicant.

Mr. D. S. Joshi for the Respondent Nos.1 to 5.

.....

CORAM : G.S. KULKARNI, J.

DATE : JANUARY 15, 2018.

P.C. :

1. Mr. Sanglikar, learned counsel for the applicant states that the possession of the suit premises is handed over to the respondent on 13th April 2016, without prejudice to the rights and contentions of the applicant. The petition is therefore rendered infructuous in regard to the possession part of the decree. The only issue remains is the liberty which was granted by the learned District Judge to the respondent to file separate application for future mean profits from the date of filing of the suit till the delivery of the possession of the suit premises. It is stated that such application has so far not been filed by the respondent. As regards the mean profit, the applicant is at liberty to contest the application as and when the same is filed by the respondent.

2. All contentions of the parties in that regard on the merits are expressly kept open.

3. Petition is thus disposed of however subject to the above terms.

No costs.

(G.S. KULKARNI, J.)