

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13524 OF 2018

Vijesh Chawla .. Petitioner
vs.
Jacob Varghese .. Respondent

Mr.P.K. Dhakephalkar, Sr. Advocate , Mr. C.D. Dovnson I/b Rex
Legalis for the Petitioner.
Mr. Ashok M. Sarogi with Mr. P.H. Jaggi for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 10 DECEMBER 2018.

P.C. :-

- 1] Heard the learned counsel for the parties.
- 2] After the matter was argued for some time, the learned counsel for the parties, on the basis of instruction from their respective parties, state that this petition will be disposed of with the following agreed order:
 - (a) The impugned orders dated 21st December 2017 and 21st April 2018 are set aside;
 - (b) The petitioner is granted leave to defend the proceedings in Application No. 25 of 2013 before the competent authority;

(c) The petitioner agrees to deposit before the competent authority each month compensation at the rate of Rs.20,000/- per month or such higher amount, if any, as may be reflected in the licence agreement, by which, the petitioner has inducted licensee in the suit premises. The first such deposit shall be made on 5th January 2019 and the later deposits on or before 5th day of each succeeding month. ;

(d) The petitioner will not renew the licence for any further period, without leave of the competent authority.

(e) The competent authority is directed to dispose of Application No. 25 of 2013 as expeditiously as possible. In disposing of Application No. 25 of 2013, the competent authority need not be influenced by any observations in the impugned orders, which in any case have now been set aside;

(e) All contentions of all parties are kept open for adjudication on merits, since this Court has not expressed any opinion on merits of the matter;

(f) The competent authority to expedite the process of receiving reports from the Handwriting Experts;

(g) The competent authority shall make suitable orders with regards to investment of deposited amounts. Needless to add that the deposited amounts and the interests accrued thereon shall abide by final orders which the competent authority will make in the matter.

3] Petition is disposed of in the aforesaid terms.

(M. S. SONAK, J.)