

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST.) NO.22155 OF 2018

Ranjanaben Mayur Sanghavi through C.A.
Mayur C. Sanghavi ... Petitioner
Vs.
Paresh Chunilal Gheewala and others ... Respondents

Mr. Sachin Joshi i/b. Ms Neelam Morey for Petitioner.
Ms Zehra Patel for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : OCTOBER 05, 2018

P.C. :

Heard Mr. Joshi, learned Counsel for the petitioner and Ms Patel, learned Counsel for the respondent No.1.

2. The Petition was heard on 07.08.2018. In that order, statement of Mr. Shah that petitioner will comply clause (iii) of the operative part of the second order dated 21.02.2018 passed by the Competent Authority by depositing the amount within two weeks was recorded and subject to the petitioner depositing the amount in terms of clause (iii) of the operative part of the second order dated 21.02.2018, ad-interim order in terms of prayer clause (d) was granted. It was made clear that in case the petitioner fails to deposit the amount, the ad-interim order shall stand vacated without further reference to the Court. The matter was adjourned to 21.08.2018. On 21.08.2018, on instructions from the petitioner, Mr. Shah stated that petitioner will handover vacant and peaceful possession of the suit premises to the first respondent on or before 28.08.2018 and will not seek further extension of time for handing over possession. The statement was accepted.

3. In pursuance thereof, Mr. Joshi states that petitioner has handed over possession of the suit premises to the first respondent on 28.08.2018. Ms Patel confirms the said fact. She submits that petitioner has however, not deposited the amount in terms of order dated 07.08.2018.

4. Mr. Joshi states that despite repeatedly contacting the petitioner, he is not responding, and therefore, he is not pressing this Petition.

5. In view thereof, Petition is disposed of as not pressed reserving liberty to the first respondent to adopt appropriate proceedings for recovery of the amount as per clause (iii) of the second order dated 21.02.2018. Order accordingly.

(R. G. KETKAR, J.)

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