

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11710 OF 2018

Harish Shambhulal Hariani

...Petitioner

vs.

Zuzer Saifuddin Lokhandwala

...Respondent

Ms. Eventa Gonsalves a/w. Mr. R.L. Gonsalves, for the Petitioner
Mr. Abhinav Chandrachud I/b. Mr. J.P. Thakkar, for the
Respondent.

CORAM : M. S. SONAK, J.

DATE : NOVEMBER 28, 2018

P.C.:

. The challenge in this Petition is to the order dated 6th July, 2018 (Exhibit "L") made by the Appellate Bench of the Small Causes Court, Mumbai.

2. After this matter was argued for some time, learned counsel for the parties state that the same can be disposed of with the following agreed order:-

(a) In substitution of the direction in Clause 4 of the impugned order dated 6th July, 2018, as the Respondent will deposit before learned trial Court the rent in terms of the order dated 29th August, 2015 as modified by order dated 2nd April, 2016 in R.A.E. Application No.39/SR of 2014 (order below Exhibit F).

(b) The Respondent shall be entitled to credits for the amount already deposited.

(c) The direction in clauses Nos. 5, 6, 7 and 8 of the impugned order dated 6th July, 2018 shall continue to operate, however, in respect of the rent now to be deposited in terms of the order dated 29th August, 2015 as modified by order dated 2nd April, 2016.

3. The impugned order dated 6th July, 2018 stands modified in the aforesaid terms.

4. The rule is made absolute in the aforesaid terms.

5. There shall be no order as to the costs.

6. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)