

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.634 OF 2018
IN
CIVIL REVISION APPLICATION NO.694 OF 2013

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms. S.I. Shah i/b S.I. Shah & Co., Advocate for Applicants.
Ms. R.D. Khosla, Advocate for the Respondents.

CORAM : R. G. KETKAR, J.

DATE : 31/10/2018

P.C.:

1. Heard Ms.S.I. Shah, learned Counsel for the applicants and Ms. R.D. Khosla, learned Counsel for the respondents.

2. By this application, the applicants have prayed for the following reliefs :

- “a) pending the hearing and final disposal of the above Civil Revision Application, this Hon'ble Court may pass necessary mandatory orders directing the Respondents to return all the files, goods to the Applicants as stated in the bailiff's report with goods inside, with the value thereof which stated hereinabove;
- b) that pending the hearing and final disposal of the above Civil Revision Application this Hon'ble Court may pass necessary orders restraining the Respondents from using the suit premises for their own benefit through their agents, servants, assigns and/or creating third party rights by handing over that possession of the suit premises;
- c) this Hon'ble Court may pass necessary order directing the

Respondents to handover the keys of the suit premises to this Hon'ble Court;

- d) that pending the hearing and final disposal of the above Civil Revision Application this Hon'ble Court may held that the Respondents have taken possession of the suit premises on 05.02.2014 in violation of Executing Court order dated 28.01.2014 passed by the Hon'ble Small Causes Court;”

3. After arguing the application for quite some time, the learned Counsel appearing for the parties submit that without prejudice to the rights and contentions, the applicants may be permitted to remove the articles and goods lying in the suit premises as mentioned in the bailiff's report dated 5.2.2014 (Exhibit-2, pages-17-22 of this C.A.). Ms. Shah assures that within three weeks from today, the applicants will remove the articles and goods mentioned in the bailiff's report dated 5.2.2014. Ms. Khosla has no objection for the same.

4. In view thereof, the applicants will remove their articles and goods, in the aforesaid terms, within three weeks from today. By way of abundant caution it is made clear that respondents No.1 & 2 herein, who have taken possession of the suit premises on 5.2.2014, are not precluded from using the suit premises themselves subject to rider that they will neither create third party interest nor part with the possession of the suit premises.

5. Civil Application is disposed of in aforesaid terms with no order as to costs. Order accordingly.

(R. G. KETKAR, J.)