

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1489 OF 2018
IN
WRIT PETITION NO.8725 OF 2005

Mohan Hanumant Tulpule ... Applicant
Vs.
M/s. J. J. Technical Institute ... Respondent

Mr. Pramod J. Pawar for Applicant.
Mr. Vaibhav P. Patankar for Respondent.

CORAM : R. G. KETKAR, J.
DATE : JUNE 25, 2019

P.C. :

Heard Mr. Pawar, learned Counsel for the applicant and Mr. Patankar, learned Counsel for the respondent.

2. This is an Application filed by the original petitioner - Mohan H. Tulpule inter alia praying for issuing direction to the opponent M/s. J. J. Technical Institute for depositing the amount of rent along with arrears in the trial Court in pursuance of order dated 30.01.2006. By order dated 30.01.2006, after hearing both sides, this Court admitted the Petition by issuing Rule and granted interim relief in terms of prayer clauses [B] and [C]. Prayer clauses [B] and [C] read thus,

“[B] That pending final disposal of this Writ Petition the Respondent may be directed to deposit the amount of the entire arrears along with 9% interest rate the rent and the permitted increases and the furniture charges and continue to deposit, the said amount on or before 10th day of every month with liberty to the Petitioner to withdraw the same from the Small Causes Court, Pune.

[C] That pending final disposal of this Writ Petition, Respondent may be restrained by an order of injunction from creating any kind of third party interest either by way of sale / subletting / leasing out the said property or by any other way. ”

3. Mr. Patankar submitted that till handing over possession, opponent M/s. J. J. Technical Institute has paid the compensation. It is common ground between the parties that the opponent - M/s. J. J. Technical Institute has handed over possession of the suit premises to the applicant on 24.11.2017.

4. In view thereof, the opponent is not liable to pay even contractual rent after handing over possession. Hence, no relief can be granted in this Application. Hence, Application fails and the same is dismissed.

(R. G. KETKAR, J.)

Minal Parab