

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO.1488 OF 2018  
IN  
WRIT PETITION NO.8721 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 [C] and [D]. Prayer clauses [C] and [D] read thus,

“[C] That this Honourable Court be pleased to issue a temporary injunction restraining the Respondent herein, from creating any third party interest in respect of the suit property or parting with the possession of the suit property in any manner, whatsoever nature.

[D] That the Respondents may be directed to deposit the entire arrears up-to-date forthwith in Small Cause Court at Pune, and be further directed to deposit the amount of the rent on or before 10<sup>th</sup> day of every month, with liberty to the Petitioner to withdraw the same from the Small Cause Court, Pune.”

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*