

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.11966 OF 2015

M/s. K.R. Shoppers Pvt. Ltd.] Petitioners
Vs.
Parshuram Vishnu Salvekar and Ors.] Respondents

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Mr. R.R. Sharma, Advocate for the Petitioners.
Mr. Rehan Momin i/b Vijay S. Gharat, Advocate for Respondent No.1.

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CORAM : R.G. KETKAR, J.

DATE : 24TH JUNE, 2019.

P.C.

Heard Mr. Sharma, learned Counsel for the petitioners and Mr. Momin, learned Counsel for respondent No.1.

2. This Petition takes exception to the order dated 18th April, 2015 passed by the Appellate Bench of the Court of Small Causes at Mumbai below Exhibit 8 in Appeal No.29 of 2011 arising from T.E. & R Suit No.64 of 2007. By that order, the Appellate Court stayed eviction decree dated 16th October, 2010 passed by the trial Court in T.E. & R Suit No.64 of 2007 subject to first respondent depositing compensation @ Rs.5,000/- per month from the date of the decree till final disposal of the appeal. The Appellate Court directed the first respondent to deposit arrears of compensation @ Rs.5000/- per month since the date of decree till April, 2015 within one month from the date of the order and further go on depositing the regular monthly compensation on or before 15th day of each month.

3. Mr. Sharma submits that the petitioner is not pressing this Petition. As the suit is for recovery of possession of open land, the Maharashtra Rent Control Act, 1999 is not applicable. The Appellate Court may be directed to dispose of the appeal in a time bound manner.

4. In view thereof, Petition is disposed of as not pressed. The Appellate Court is requested to dispose of the appeal within six months from production of the authenticated copy of this order. All contentions of the parties on merit are expressly kept open.

5. All the parties, including the Appellate Court to act upon the authenticated copy of this order.

[R.G. KETKAR, J.]