

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8447 OF 2019

Pappu Ramnarayan Sharma

.Petitioner

Vs.

Thanaram Tolaji Borana

.Respondent

Mr. N. Y. Chavan, Advocate, for the Petitioner

Mr. R. P. Kasbekar, Advocate, for the Respondent

CORAM : REVATI MOHITE DERE, J.

DATE : 25.02.2020

P. C.

. At the outset, learned counsel for the Respondent states that he has instructions to appear on behalf of the sole Respondent and states that he will file his Vakalatnama within one week from today. Statement accepted.

2. Heard learned counsel for the parties.

3. By this Petition, the Petitioner has impugned the order dated 16.03.2019 passed by the learned 4th Jt. C. J. S. D., Kolhapur below Exh. 13 in Summary Civil Suit No. 154 of 2018, by which the Petitioner's Application seeking permission to deposit the key of the shop (suit premises) in the Court was rejected.

4. Learned counsel for the Respondent states that the key should be handed over to the Respondent instead of depositing the same in the Court.

5. Perused the papers including the impugned order. The Petitioner is the Original Plaintiff, who has filed Summary Civil Suit No. 154 of 2018 in the Court of the learned Jt. C. J. S. D., Kolhapur for recovery of the money deposited by him with the Respondent as security deposit whilst entering into a Leave And License Agreement with the Respondent. In the said suit, the Petitioner filed an Application (Exh. 13) and sought permission to deposit the key in the Court. The said permission was sought, as the Petitioner was ready to deliver possession of the shop to the Respondent on return of the security deposit. The Respondent refused to take possession.

6. Having regard to the facts mentioned in the impugned order and having heard the learned counsel for the parties, the following order is passed.

O R D E R

(i) The impugned order dated 16.03.2019 passed by the learned 4th Jt. C. J. S. D., Kolhapur below Exh. 13 in Summary Civil

Suit No. 154 of 2018 is quashed & set aside;

(ii) The Petitioner to deposit the key of the shop (suit premises) in the trial Court within one week from today;

(iii) If an Application is filed by the Respondent for return of the said key, the learned Judge to decide the same after hearing the parties;

(iv) All contentions of all parties are kept open.

7. Accordingly, the Petition is disposed of on the aforesaid terms.

(REVATI MOHITE DERE, J.)