

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 8148 OF 2021

Regal Dry Fruits

... Petitioner

V/s.

M/s. Sai Sadguru Developers

... Respondent

Mr. Prakash Lad a/w Ms. Sayali Apte for the Petitioner.

Mr. Mayur Khandeparkar i/b. Mr. Rasesh Shah for the Respondent.

CORAM : A.S. GADKARI, J.

DATE : 6th December 2021.

PC. :

1. Mr. Lad, learned Advocate for Petitioner on instructions submitted that, by 23rd December, 2021, the Petitioner will clear entire arrears upto 31st December, 2021 as has been directed by the Appellate Court. The said statement is accepted.

In view of the said statement, Mr. Lad, learned Advocate for the Petitioner on instructions seeks leave to withdraw the present Petition unconditionally.

Leave granted.

2. Writ Petition is disposed off as withdrawn.

3. Mr. Lad submitted that the Appellate Court while granting stay to the decree passed by the trial Court by its Order dated 18th October, 2019 passed below Exhibit-7, has directed the Petitioner to pay Rs.27,225/- as an

interim compensation in respect of the suit premises during the pendency of the Appeal preferred by the Petitioner. He submitted that the Petitioner suffers financial burden because of the said heavy interim compensation, and therefore, he approached this Court. He submitted that therefore the Appellate Court may be directed to expedite the hearing of the Appeal.

Mr. Khandeparkar, learned Counsel for the Respondent has no serious objection to expedite the hearing of the Appeal before the Appellate Bench of the Court of Small Causes at Mumbai.

4. In view thereof, the learned Appellate Bench of the Court of Small Causes at Mumbai is hereby requested to expedite the hearing of Appeal No.238 of 2019 and make an endeavor to conclude the hearing of the same within a period of one year from the date of receipt of the present Order.

5. Writ Petition is disposed off in the aforesaid terms.

[A.S. GADKARI, J.]