

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

WRIT PETITION NO. 2708 OF 2022

Anwar Khan Ahmed Khan (Since Decd.)

Thr Lrs. & Ors.

....Petitioners

V/S

M/s Apsara Bakery & Ors.

....Respondents

Mr. Abdul R. Shaikh for the petitioners

Mr. Abhaykumar Apte for the respondents

CORAM : NITIN W. SAMBRE, J.

DATED : 19th OCTOBER, 2022

P.C.:

1. Heard.
2. The order impugned passed below Exhibit-19 in an appeal pending before learned District Judge the respondents/tenants were directed to deposit compensation which they have failed to. As such, the aforesaid application was taken for vacation of ad-interim relief in favour of the respondents/tenants.
3. The learned District Judge while passing the order impugned was impressed by the pendency of the Petition being WP/1024/2020 which is initiated by the respondents questioning the order of award of compensation.
4. Be that as it may.

5. As in the WP/1024/2020 which is pending adjudication before this Court, since no interim relief is granted, it will be appropriate in my opinion to set aside the order dated 17/11/2021 impugned in the present petition with directions to decide the said application afresh without being influenced by pendency of the WP/1024/2020.

6. The petition as such, stands partly allowed.

7. We request the Appellate Court to decide the application of the petitioners expeditiously.

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Date: 2022.10.21
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(NITIN W. SAMBRE, J.)