

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

**WRIT PETITION NO.2340 OF 2021
WITH
WRIT PETITION NO.7758 OF 2022**

Arshiya Limited

..Petitioner

Versus

Bombay Knitting Pvt. Ltd.

..Respondent

Mr. S. K. Tripathi i/by C. K. Tripathi, for the Petitioner in WP No.2340/2021.

Mr. Abhishek Lalji Tripathi, for the Petitioner in WP No.7758/2022.

Mr. Cyrus Bharucha a/w Dikshit Mehra & Yash Jain i/by Rajani Associates, for the Respondent in both Petitions.

CORAM : NITIN W. SAMBRE, J.

DATE : 13th JULY, 2022

P.C.

1. Heard.

2. The order impugned in the petition is passed below Exh.9 on 25th January, 2017, whereby the petitioner who is respondent in LD & C Suit No.108/140 of 2012 pending on the file of Small Causes Court, Mumbai, was directed to pay arrears of compensation and further compensation from 1st August, 2012 till 20th January, 2013 at the rate of Rs.23,31,030/- per month along with CAM charges (common area maintenance) at the rate of Rs.89,655/- for the above referred period together with service charges and interest at the rate of 6% per annum.

3. It appears that the plaintiff was not comfortable with

the said order, as such he has chosen to prefer revision being Revision Application No.39 of 2017 which is decided vide order dated 4th December, 2021 after hearing parties to the petition.

4. The said order dated 4th December, 2021 is questioned by the petitioner in Writ Petition No.7758 of 2022.

5. As the order dated 25th January, 2017 passed below Exh.9 has merged in the order dated 4th December, 2021 and the issue as regards the legality of the order dated 25th January, 2017 can be even looked into, if so required in the subsequent Writ Petition No.7758 of 2022, the present writ petition has rendered infructuous.

6. As such, Writ Petition No.2340 of 2021 stands disposed of as infructuous.

7. As regards Writ Petition No.7758 of 2022 is concerned, counsel for the petitioner seeks time of two weeks.

8. As such, Writ Petition No.7758 of 2022 is adjourned to 27th July, 2022, as a last chance.

[NITIN W. SAMBRE, J.]