

PMB

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

**APPEAL FROM ORDER NO.817 OF 2022
WITH
INTERIM APPLICATION NO.17438 OF 2022**

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Tushar Shivraj Borkar ..Appellant
VS.
M/s. Sanghvi Premises Private Limited ..Respondent

Mr. Sandip J. Ghogare for appellant.
Mr. Bharat Jain i/b. IC Legal for respondent.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 13, 2022.

P.C. :

1. Heard learned counsel for the appellant.
2. The challenge in this Appeal From Order is to an order dated 30.06.2022. The Notice of Motion was filed for possession and compensation. Learned counsel for the developer-respondent on instructions submits that the possession of the shop No.13 being the subject premises will be handed over to the appellant within a period of one week from today. Statement is accepted. The appellant who is personally present in the Court through his counsel Mr. Ghogare submits that on handing over such possession, he

would immediately occupy the premises. Mr. Ghogare submits that the premises may not be in a good condition, nonetheless he will occupy the premises and for further reliefs will approach the City Civil Court.

3. The suit is of the year 2012, the same is expedited. The claim for compensation can be appropriately dealt with by the City Civil Court when the suit is finally decided.

4. All contentions are kept open.

5. In view of the understanding reached between the parties, the Appeal From Order is disposed of.

6. In view of the disposal of the Appeal From Order, nothing survives for consideration in the interim application and the same stands disposed of.

(M. S. KARNIK, J.)