

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 2377 OF 2022**

Monica Trading Pvt. Ltd.

.....Petitioner

Vs.

Sahil International & Anr.

.....Respondents

Mr. J. P. Sen, senior Advocate a/w Adv. Gunjan Chaubey i/by Vinay Kate for the Petitioner.

CORAM : A. S. GADKARI, J.**DATE : 4th MAY, 2022.****P.C.:-**

Mr. Sen, learned Advocate for the Petitioner submitted that, in furtherance of Order dated 29th March, 2022, the Respondent Nos.1 and 2 have been duly served in the matter and an Affidavit of service dated 4th May, 2022 affirmed by Mr. Vinay Kate i.e. Advocate on record for the Petitioner has been filed on record.

2. The note put up by Registry mentions:- (i) Notice issued to the Respondent No.1 affixed on conspicuous part of said premises along with notice and application copy, as premises found locked since 1 year back. (ii) Notice issued to the Respondent No.1 affixed on conspicuous part of said premises along with notice and application copy, as premises found locked & said Res.No.2 left the address since 2 years back.

In view of the above, Mr. Sen, on instructions submitted that, the contesting Respondent Nos.1 and 2 have been duly served in the matter.

3. Despite service, non appears for the Respondents.

4. The prayer of the Petitioner is innocuous in nature, as Petitioner is seeking expeditious disposal of Exh-7 in Obstructionist Notice No.13 of 2020 in Execution Application No.359 of 2019.

5. Mr. Sen submitted that, the Respondent No.2 is still occupying the premises and therefore fixation of interim compensation is necessary to be determined during the pendency of the Obstructionist Notice filed by Petitioner.

6. In view thereof, the learned Judge of the Court of Small Causes at Mumbai seized with Obstructionist Notice No.13 of 2020 in L.E. & C. Suit No.61 of 2019 is hereby requested to decide the said Application filed by the Petitioner below Exh-7 in the said Obstructionist Notice No.13 of 2020 as early as possible and in any case within a period of four months from the date of receipt of present Order.

7. Petition is disposed off in aforesaid terms.

8. All the concerned to act on an authenticated copy of present Order.

(A.S. GADKARI, J.)