

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

WRIT PETITION NO.1674 OF 2022

Dabur India Ltd. ..Petitioner
Versus
Mitra Parivar Co-operative Housing
Society Ltd. And Ors. ..Respondent

**ALONG WITH
WRIT PETITION (ST) NO.7721 OF 2021**

Mitra Pariwar Co-operative Housing
Society Ltd. ..Petitioner
Versus
Dabur India Limited ..Respondent

Mr. Prakash Shah a/w Durgaprasad Poojari i/by PDS Legal,
for the Petitioner in WP No.1674/2022 & for Respondent in
WPST No.7721/2021.

Mr. Mayur Khandeparkar a/w Laxminarayan Shukla &
Santosh Pathak i/by M/s. Legal Vision, for the Respondent
in WP No.1674/2022 & for Petitioner in WPST
No.7721/2021.

CORAM : NITIN W. SAMBRE, J.

DATE : 4th JULY, 2022

P.C.

1. By the present Petition, the Petitioner seeks to challenge the orders dated (I) 20.02.2021 passed below Exhibit 15 in Obstructionist Notice No.13 of 2013 passed by the learned Trial Judge directing the Petitioner to pay interim mesne profit of Rs. 1,00,000/- per month from the date of decree till the disposal of Obstructionist

proceedings and (ii) order dated 15.11.2021 passed in Revision Application No.38 of 2021 in Order below Exhibit-15 of 2017 in Obstructionist Notice No.13 of 2013 in R.A.E. Suit No. 682/2216 of 1987, whereby the learned Division Bench of the Court of Small Causes (Appellate Court) has confirmed the order dated 20th February, 2021 passed below Exhibit-15 of 2017 in Obstructionist Notice No. 13 of 2013 in R.A.E. Suit No.682/2216 of 1987 and Revision Application No.38 of 2021 filed by the Petitioner is rejected.

2. Pursuant to order dated 22nd March, 2022, the Petitioner has deposited INR. 1,04,00,000/- in the Court of Small Causes at Bandra in Suit No. R.A.E. Suit No. 682/2216 of 1987.

3. The Petitioner has agreed that the Petitioner shall hand over the possession of the suit premises viz. Godown Structure, also known as Tannery Building, situated on Plot of Land bearing Survey No.341, Plot No.3-A, City Survey No. 595, of Kherwadi, Bandra (East), Mumbai 400 050 to the Respondent No. 1 within 1 week from today.

4. Respondent No. 1 is permitted to withdraw INR. 1,00,00,000/- (Rs.One Crore only) with accrued interest, if any thereon from and out of the said amount deposited by the Petitioner in Court of Small Causes at Bandra in full and

final settlement of Respondent No.1's all claims including claim for mesne profit against the Petitioner and its predecessors in title in respect of the suit premises.

5. All proceedings taken out by Respondent No.1 against the Petitioner and/or its predecessors in title in respect of Suit premises including Obstructionist Notice No. 13 of 2013 and application below Exhibit 15 in Obstructionist Notice No.13 of 2013 filed in the Court of Small Causes at Bandra and Writ Petition (St) No.7721 of 2021 filed by Respondent No.1 in this Court stand dismissed without any further orders.

6. Except the proceedings taken out in Court of Small Causes at Bandra, no other proceedings are taken out by Respondent No.1 against the Petitioner and/or its predecessors in title in respect of Suit premises. This order shall bring to an end to all disputes between all the parties relating to suit premises.

7. Respondent No.1 states that it has now no claims of whatsoever nature against the Petitioner and its predecessors in title except as provided herein.

8. The Respondent No.1 shall not to make or demand any claim of whatsoever nature against the Petitioner or its predecessor in title or file any proceedings

for any mesne profits, damages, losses, compensation, costs for the past period and period after handing over the premises.

9. The Petitioner is allowed to withdraw the balance amount from and out of the amount deposited by Petitioner in Court of Small Causes at Bandra.

10. The Registrar of Court of Small Causes at Bandra to act on authenticated copy of this order.

11. The Petition is disposed off in the above terms. There shall be no orders as to costs.

12. Needless to clarify that Mr. Shah on instructions made a statement that the present petitioner has not created third party interest in the suit property during pendency of the petition.

13. Balance amount is permitted to be withdrawn by the petitioner.

14. All parties to act on an authenticated copy of this order digitally signed by the Present/ Private Secretary/ Associate of this Court.

[NITIN W. SAMBRE, J.]