

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

INTERIM APPLICATION NO.1507 OF 2021

IN

COMPANY PETITION NO.1187 OF 2001

Jeevak Consultants LLP

.. Applicant

In the matter between

Mine-Chem (India)

.. Plaintiff

v/s.

The Official Liquidator

.. Respondent

Mr. Paresh Mehta for the applicant.

Mr. Aditya Pimple for OL.

CORAM : A. K. MENON, J.

DATED : 22ND JUNE, 2022.

P.C. :

1. This IA seeks leave to file, prosecute and proceed with the R.A.E. & R Suit no.517 of 2021 filed and pending before the Small Causes Court at Bomaby. The applicant is the plaintiff in that suit. The defendant is a company in liquidation to the Official Liquidator. The applicant is claiming arrears of rent along with permitted increase and possession since the suit is for eviction and for

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recovery of arrears.

2. It is the Liquidator's case as pleaded in the written statement filed in the said suit that he is not liable to pay any arrears of rent or permitted increase in rent since the company in liquidation is not in possession and one Nanakram Motwani is in possession since the year 1993. According to the applicants the said Nanakram Motwani who was in possession has expired and his legal heirs are currently in possession and the suit is proceeding against such legal heirs.
3. These above facts are not disputed by the Liquidator. Today the learned counsel for the applicant states that the plaintiff in the RRAE & R Suit no.517 of 2021 has no claim for arrears of rent against the company in liquidation. The applicant has no claim against the Liquidator, hence leave be granted. In view of the fact that certain third parties who are allegedly trespassers are in possession, the learned counsel for the applicant states that no relief will be sought against the Liquidator.
4. In view thereof, I pass the following order;
 - (i) IA is allowed in terms of prayer clause (a).

(ii) Reply is taken on record.

(iii) IA is disposed in the above terms.

(A. K. MENON, J.)