

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.4933 OF 2022
IN
SUIT NO.2720 OF 2011**

Rajdeep Construction Pvt. Ltd. ... Applicant
and
Solar Readymades Pvt. Ltd and Anr. ... Plaintiffs
versus
Rajdeep Construction Pvt. Ltd. ... Defendant

Ms. Devyani Wanjara i/by B.R.Oza and Co., for Applicant/Defendant No.1.
Ms. Anamika Singh with Ms. Nidhi Chauhan i/by India Law, for Defendant No.2.

CORAM: N.J.JAMADAR, J.

DATE: 19th DECEMBER 2022

P.C.:

1. This application is taken out seeking permission to execute leave and license agreement in respect of the suit premises.
2. Perused the order dated 17 November, 2011, whereby the Defendants were directed not to create any third party rights in respect of the suit premises without seeking leave of the Court. Defendant No.2 was the licensee in the premises and had vacated the premises on 1 August 2022.
3. The Applicant seeks leave to execute a fresh leave and licence agreement as the suit premises is vacant.
4. In the Reply, the Plaintiffs submit that the premises be given on leave and license to the Plaintiffs.

5. Since the suit for specific performance awaits adjudication, at this juncture, the said prayer on behalf of the Plaintiffs cannot be acceded to.

6. It would, therefore, be expedient to allow the Applicant to give the suit premises on leave and licence for a period of three years and place a copy of the leave and licence agreement along with an Affidavit so that at the stage of final determination of the suit, the Court would be in a position to work out the equities.

7. The Application stands disposed.

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8. The Plaintiff shall keep its first witness who has filed Affidavit in lieu of examination in chief present before the Court for recording further evidence on 19 January 2023.

9. List on 19 January, 2023.

(N.J.JAMADAR, J.)