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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5103 OF 2022

Hare Krishan Classic Car CAres Pvt. Ltd.Petitioner

Versus

Shamvik Glasstech Pvt. Ltd. & Anr.Respondents

Mr. Atul Damle Senior Adv. a/w Mr. Yadhunath Choudhar a/w Adv.
Ashwin Savlani a/w Jasunder Chaudhari i/b Mr. Chinmaya Acharya
for the Petitioner.

Mr. Vishal Kanade a/w Ms. Neha Mehta, Ms. Bhagyashree Shukla, Ms.
Aayushi Gohil i/b M/s. M. T. Miksita & Co. for the Respondents.

CORAM : S. G. DIGE, J.

DATE : 24th FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the petitioner and learned counsel for the respondents.
2. Both learned counsel submits that this court may dispose of Writ Petition directing the petitioner to handover the possession of suit property within one week from today.
3. It is contention of learned counsel for petitioner that

petitioner is not using suit premises since March, 2020. As per the agreement clause petitioner is entitled for security deposit along with 18% interest and in case, if it is not paid petitioner is entitled for possession of the suit premises but this facts are not considered by the trial Court and has passed impugned order.

4. The learned counsel for the respondents submits that as per the order of trial Court respondents have deposited Rs. 32,00,000 and odd amount before the Trial Court, the suit premises is in possession of the petitioner, there is dispute about arrears of amount and he also disputes the contentions raised by learned counsel for the petitioner.

5. This Court asked, both the learned counsel if matter can be worked out on any terms and conditions. Both learned counsel submits that writ petition be disposed of upon the following terms and conditions that a) petitioner shall handover the possession of the suit premises to the respondent within one week from today.

b) Both the parties would contest the proceedings before the Trial Court and if the trial Court decide that the petitioner is entitled for fixed deposit along with interest the respondents shall pay that amount to the petitioner. However, if respondents fail to pay that amount to the petitioner, the petitioner is entitled to take steps in

accordance with law. All contentions of both the parties are kept open. The respondents claim of mesne profit and compensation are kept open. It be decided by trial Court on its own merit.

6. In view of above, I pass following order.

ORDER

- i. Writ Petition is disposed off in terms of the order herein.
 - ii. Both the parties shall co-operate before the trial Court for disposal of the pending proceedings filed by both the parties. Contentions of all the parties are kept open.
7. The petitioner shall handover the possession of suit premises within one week from today.

(S. G. DIGE, J.)