

SA Pathan

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

WRIT PETITION NO.6380 OF 2023

**WITH
INTERIM APPLICATION NO.4632 OF 2023
IN
WRIT PETITION NO.6380 OF 2023**

**WITH
INTERIM APPLICATION NO.12765 OF 2023
IN
WRIT PETITION NO.6380 OF 2023**

Ravissant Private Limited ... Petitioner

V/s.

The New India Assurance Company
Limited ... Respondent

Mr. Nimay Dave A/W MS. Sonam Mhatre, Mr. Sakshi
Mehta i/by Dhaval Vussonji & Associates, for petitioner.

Mr. V. Y. Sanglikar, for respondent.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 27, 2023

P.C.:

1. By this writ petition under Article 227 of the Constitution of India, challenge is made to the order dated 3 March 2023 passed by the City Civil Court in Miscellaneous No.66 of 2022 as per the said order the Principal Judge, City Civil Court, Mumbai dismissed Miscellaneous Civil Appeal No.66 of 2022, the petitioner was granted time to vacate subject to filing of undertaking.

2. This Court satisfied that the possession of the property is delivered on 21 April 2023. The operative part of the Estate Officer's order reads as under:

17. ...I award damages against the Opponent at the rate of Rs.8,95,050/- per month w.e.f 1.08.2019 till its recovery of possession with 12% simple interest per annum thereon.

3. According to petitioner, *it* has deposited various amount from time to time and it is necessary to adjudicate total amount due as per clause 17 of order dated 12 August 2022.

4. The respondent shall file appropriate application within one week before the Estate Officer giving details of demands of the respondent as per clause 17 of the order dated 12 August 2022.

5. The petitioner shall file reply giving his calculations within one week thereafter before the Estate Officer. Based on the details given by the respondent and the reply filed by the petitioner, the Estate Officer shall adjudicate quantum of damages as per clause 17 of the order dated 12 August 2022.

6. The Estate Officer is, therefore, directed to calculate amount of damages in terms of clause 17 of the order dated 12 August 2022. While calculating the amount, the amount deposited by the petitioner shall be taken into consideration.

7. The Estate Officer shall decide the application within *six* weeks from today.

8. For period of *six* weeks no *coercive action* shall be taken

against the petitioner; however, the petitioner within *six* weeks from today shall comply with the order passed by this Court giving bank guarantee of nationalised bank.

9. With this, the writ petition stands disposed of.

10. In view of disposal of the writ petition, all interim applications stand disposed of as infructuous.

(AMIT BORKAR, J.)

Note: This order is modified as per order dated 4 November 2023. Corrections in paragraph 3, 7 and 8 are shown in italicize.