

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.968 OF 2014

The State Of Maharashtra & Anr.

...Applicants

Versus

Premchand Shobhagmal Modi

...Respondent

Ms. Tanaya Goswami AGP for the Applicant.

Mr. Huzefa Nasikwala for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : November 7, 2023.

P. C. :

1. Learned counsel for the Respondent submits that the Civil Revision Application has been rendered infructuous as the premises in question has been sold to third party.

2. Learned AGP for the Applicant does not dispute this position. She would however submit that pursuant to order of this Court dated 2nd August, 2019, the Applicant has deposited rent before the Small Causes Court and orders will have to be passed in respect of the withdrawal of the said amount.

3. Considering that nothing survives for consideration in the Civil Revision Application the same is disposed of as infructuous.

4. According to learned AGP the amount is paid for the period from 2013 onwards. She would submit that as the possession was taken on 7th May, 2013, the Applicant was not liable to deposit the rent after 7th May, 2013.

5. Learned counsel for the Respondent submits that no amount has been withdrawn by the Respondent.

6. Liberty to the Applicant-State to move an appropriate Application before the Small Causes Court for withdrawal of the amount deposited by the Applicant which Application the Small Causes Court to consider on its own merit.

[Sharmila U. Deshmukh, J.]