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

WRIT PETITION NO. 7511 OF 2021

Balaji Enterprises
Through Its Proprietor
Harshamala Sudharshan Kadam

....Petitioner

V/s.

The State of Maharashtra and Ors.

...Respondents

Dr. Uday Warunjikar for Petitioner.

Mr. K.S. Thorat, AGP for State/Respondent No.1.

Mr. Minesh K. Shah i/b Ms. Pooja Agarwal for Respondent Nos.3 and 4.

CORAM : K.R. SHRIRAM &

RAJESH S. PATIL, JJ.

DATED : 22nd FEBRUARY 2023

P.C. :

1. Dr. Warunjikar on instructions states that in view of what is stated in the affidavit in reply of one Mr. Chetan G. Malusare affirmed on 20th November 2021, petitioner would approach Respondent Nos.3 and 4 and show her bonafides. According to Dr. Warunjikar, the husband of petitioner has met Respondent Nos.3 and 4 multiple times with settlement proposal which of course is denied by Mr.Shah. Mr. Shah states that even assuming they have met and approached, not a penny has been paid which also raises a question on bonafides of petitioner to amicably settle.

2. We notice that though the affidavit in reply of said Mr. Chetan G. Malusare states what counsel for petitioner stated, the fact is we are on

22nd February 2023. Admittedly not a penny has been paid since November 2021 at least. Petitioner has been simply enjoying an interim stay and for over two years has not made any payment. Therefore, we are not inclined to grant any further relief or give a blanket extension to the stay that petitioner has been enjoying. However, since the possession is scheduled to be taken only on 28th February 2023, petitioner may, in the meanwhile, approach Respondent Nos.3 and 4 and show bonafides by making some payment or settle the matter. We clarify that we have not made any observations on the merits of the matter.

3. Petition disposed.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)