

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

WRIT PETITION NO.12048 OF 2022

Punjab & Sing Bank

...Petitioner

Versus

The Dilwara Co. Op. Hsg. So. Ltd.

...Respondent

Mr.Sujeet G. Kurup, for the Petitioner.

Mr.Sukand R. Kulkarni, for the Respondent

CORAM : S.G. DIGE, J.

DATE : 14 FEBRUARY 2023

P.C:-

1. Heard learned counsel for the Petitioner and the learned counsel for the Respondent.

2. Both learned counsel submit that matter can be decided finally at the admission stage.

3. The Petitioner has challenged the order passed by the Small Causes Court, Mumbai dated 18 June 2022 passed below Exhibit-8 and Exhibit-12 on 10 August 2022. Both counsel submit that both the parties agree that operation and execution of impugned orders be modified to the extent that the Petitioner shall pay mesne profits/compensation at the rate of Rs.200/- per sq.ft. Per month from the date of the suit i.e. from 6 May 2008 till the possession i.e. 17 August 2015 and the Petitioner shall pay simple interest at the rate of

6% per annum till today on outstanding mesne profit at the rate of Rs.200/-. The arrears of mesne profits and the interest till date be deposited within two weeks from today and further interest be deposited on or before 10th day of every month till disposal of the pending Miscellaneous Appeal No.67 of 2021 before the Small Causes Court, Mumbai.

4. Both learned counsel submit that the Writ Petition be disposed of in above terms.

5. Considering the submission of both learned counsel the following order is passed.

ORDER

- (i) Writ Petition is allowed.
- (ii) The order passed by the Small Causes Court, Mumbai dated 18 June 2022 below Exhibit-8 and 10 August 2022 below Exhibit-12 are modified to the below extent.
- (iii) The Petitioners bank is directed to deposit arrears of mesne profit at the rate of Rs.200/- per sq.ft. Per month from 6 May 2008 to 17 August 2015 within two weeks from today. The interest at the rate of 6% per annum shall be deposited on the outstanding amount within two weeks from today. Further interest shall be deposited on or before 10th day of every month till final disposal of the Appeal No.67 of 2021.

(S.G. DIGE, J.)