

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

WRIT PETITION NO. 350 OF 2020

Shakir Asmat Ifekhari

.... Petitioner

v/s.

Ramesh Khubchand Bajaj

.... Respondent

WITH

INTERIM APPLICATION NO. 18864 OF 2022

IN

WRIT PETITION NO. 350 OF 2020

Ramesh Khubchand Bajaj

.... Applicant

In the matter between :-

Shakir Asmat Ifekhari

.... Petitioner

v/s.

Ramesh Khubchand Bajaj

.... Respondent

WITH

WRIT PETITION NO. 364 OF 2020

Shakir Asmat Ifekhari and anr.

.... Petitioners

v/s.

Ramesh Khubchand Bajaj

.... Respondent

Mr. Karan Bhosle a/w. Mr. Datta Mane and Mr. Maruti Sarkar
for the Petitioners.

Mr. Lokesh Zade a/w. Mr. Asif Latif Shaikh for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th OCTOBER, 2023.

P. C. :-

ORDER IN WRIT PETITION NOS.350/2020 & 364/2020 :-

. The Writ Petition No. 350/2020 challenges the decree of eviction

whereas Writ Petition No.364/2020 challenges the judgment whereby the learned trial court dismissed the suit for damages filed by the Appellant herein.

2. Learned counsel for the Petitioner states that during the pendency of the Petitions, the decree has been executed. Learned counsel for the Petitioner, under instructions, states that the Petitioner does not wish to proceed with both the Petitions i.e., WP/350/2020 and WP/364/2020. He therefore seeks leave to withdraw both the Petitions.

3. Leave granted. Both Petitions stand disposed of as withdrawn.

ORDER IN INTERIM APPLICATION NO. 18864 OF 2022 :-

4. This Court while staying the decree of eviction, had directed the Petitioner to deposit the interim compensation of Rs.20,000/- per month. The said order was challenged by the Applicant – landlord in Civil Appeal No. 2479/2021 arising out of SLP(C) No.5841/2021. By the said order, the Hon'ble Supreme Court has enhanced the interim compensation and has held that the interim compensation is to be calculated in terms of clause (3) of the leave and license agreement

with 10% increase for every 12 months. By this Application, the Applicant has sought to direct the Petitioner to deposit an amount of Rs.63,30,189/- towards arrears of interim compensation.

5. The Petitioner has already handed over possession of the premises and has also withdrawn the Petitions. Hence, this Application is disposed of with liberty to the Applicant – landlord to file appropriate proceedings if he so desires. All contentions of the parties on merits are kept open which can be agitated in appropriate proceedings.

(SMT. ANUJA PRABHUDESSAI, J.)

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