

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9068 OF 2018

Kantilal Bhuralal Patel & Ors.

...Petitioners

Versus

The Municipal Corporation of
Greater Mumbai & Ors.

...Respondents

Mr. Rohan P. Surve a/w Mr. Kunal Naik for the Petitioners.

Mr. R. Sirsikar for the Respondent Nos.1 to 3 - MCGM.

Mr. Chandrakant P. Deogirikar for the Respondent Nos.4 to 9.

CORAM : SHIVKUMAR DIGE, J.

DATE : 31st MARCH 2023.

P. C. :

1. Heard learned Counsel for the Petitioners and learned Counsel for the Respondents. Both the learned Counsel submit that during the pendency of this Writ Petition, the evidence of the Plaintiff is over and the evidence of the Defendants is going on. The suit will be decided finally in a couple of months, hence, appropriate order be passed.

2. Considering the submissions of both the Counsel, I pass following order :

ORDER

- i. Writ Petition is partly allowed.

- ii. The impugned Order passed by the Appellate Bench dated 14th December, 2016, in respect of mesne-profit is quashed and set aside.
- iii. The Trial Court shall decide the issue of mesne-profit, as contended by the Petitioners, at the time of final hearing of the suit.
- iv. Accordingly, the Petition is disposed off.

(SHIVKUMAR DIGE, J.)