

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1196 OF 2024
IN
CIVIL REVISION APPLICATION NO. 510 OF 2023

The Union Bank Of India
(Andhra Corporation)

..... Applicant

VERSUS

Pranav Yogesh Mehta

..... Respondent

Mr. Kezer Kharawala a/w. Prasad Patil i/b. Lex Juris for the Applicant.

Mr. Sunny Shah a/w. Mr. Kunal Agrawal i/b. Mr. Niraj Punamiya for the Respondent.

Mr. Pranav Yogesh Mehta, is present.

CORAM: RAJESH S. PATIL, J.

DATE : 29 FEBRUARY, 2024

P.C. :-

This interim application is filed by the bank for the purpose of extending the time in vacating and handing over possession of the suit premises to the respondent/landlord, so as to enable the bank to shift to a new premises. The applicant bank has sought a time to be extended till 6 May, 2024.

2. This Court by an order dated 6 October, 2023, pursuant to the minutes of the order dated 6 October, 2023 disposed of the Civil Revision Application No. 510 of 2023.

3. The order dated 6 October, 2023 and the scanned copy of the minutes of the order dated 6 October, 2023 is reproduced hereinbelow for the sake of convenience :-

1. The parties have tendered minutes of order dated 6 October 2023. The said minutes of order has been signed by the respective advocates, so also by the Chief Manager of the Union Bank of India (Andhra Corporation), Matunga Branch, Mumbai. The advocate for the applicant verifies the presence of Mr.Kunal Anil Ratnakar, Chief Manager of Union Bank of India, Matunga Branch, Mumbai. So also this minutes of order has been signed by the sole Respondent. The signatures of the parties are verified by the respective advocates. Both the advocates have also signed the minutes of order.

2. Order in terms of the minutes of order. Undertaking as mentioned in the minutes of order are undertaking given to this Court. The minutes of order is taken on record and marked "X" for identification.

3. The Civil Revision Application is accordingly disposed of in view of the consent minutes of order.

4. All parties to act on an authenticated copy of this order.

5. Certified copy is expedited.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
CIVIL REVISION APPLICATION NO. 510 OF 2023

The Union Bank of India (Andhra Corporation) ... Applicant/ (Org. Defendant)

Versus

Panav Yogesh Mehta

...Respondent / (Org. Plaintiff)

MINUTES OF ORDER

Mr. K. Kharawala i/b. Lex Juris for the Applicant.

Mr. Atul Damle, Senior Advocate a/w. Jagdish G. Aradwad (Reddy) for the Respondent.

Mr. Kunal Anil Ratnakar, Employee No.639489, Chief Manager of UBI, Matunga Branch is present.

CORAM : RAJESH S. PATIL, J.
DATED : 6th OCTOBER 2023

P.C.:

1. By Consent of the parties the time for vacating the suit premises as granted by the Appellate Bench of the Small Causes Court, Mumbai stands extended from 06.10.2023 to ~~31.01.2024~~ 06.02.2024.
2. Mr. Kunal Anil Ratnakar, Employee No.639489, Chief Manager of UBI, Matunga Branch who is personally present in the court gives undertaking on behalf of the applicant bank that the bank will vacate the suit premises on or before 31.01.2024, and said Mr. Kunal Anil Ratnakar, Employee No.639489, Chief Manager of UBI, Matunga Branch shall file usual undertaking on behalf of Union Bank Of India in this Hon'ble Court to that effect within a period of two weeks from today.

3. The issue regarding non-payment of GST is kept open and both parties are at liberty to agitate the same before the appropriate forum.
4. The issue regarding mesne profits is kept open and the same shall be decided by the Learned Small Causes Court on its own merits and without influence by this order.
5. The Applicant bank is entitled to recover Advance Amount of Rent paid to Respondent-landlord, if same is already not adjusted earlier, from the Monthly implied Rent payable by the Applicant Bank from August 2023 to January 2024. 06.02.2024.
6. The above revision stands disposed of by upholding the order dated 17.07.2023 passed by the Learned Division Bench of Small Causes Court at Mumbai (Appellate Bench) in Misc. Appeal No.45 of 2023 arising out of Order below Exhibit-37 IN T. E. Suit No.96 of 2019.
7. No order as to cost.


The Union Bank of India
Applicant


Lex Juris
Advocate for Applicant


Pranav Yogesh Mehta
Respondent


Jagdish G. Aradwad (Reddy)
Advocate for Respondent

4. The present interim application is filed by the bank on the ground that it is not possible for the bank to shift to the new premises which they have already finalized. As the repair work is under progress in the new premises, hence they can't immediately shift their branch to the new premises.

5. It is also their case that the strong room and the lockers needs to be shifted to the new premises. However, due to the civil work pending in the new premises, the same cannot be done immediately.

6. Mr.Kharawala, learned counsel for the bank submits that though the strong room and the lockers are not within the suit premises, but they are adjacent to the suit premises and the door to enter to the strong room is from the suit premises. Therefore, it is not possible for the bank to shift to the new premises immediately.

7. The civil revision application was disposed of pursuant to the minutes of the order in which the parties had agreed that the bank will vacate the premises by 6 February, 2024. The bank had also agreed that they will pay the implied rent from August 2023 to January 2024.

8. Mr. Kharawala, learned counsel for the bank submits that till January 2024, all the entire compensation has already been paid by the bank. Mr. Shah, learned counsel for the respondent submits that as per the minutes of the order, the rent has been cleared upto January 2024.

9. Mr. Shah submits that his clients are present in Court. On instructions from his clients, Mr. Shah submits that the parties are ready to allow the bank a further period to vacate till 31 March, 2024, only for the reason that there should not be no inconvenience to the bank's customers, who would suffer due to

non compliance of Court's direction by bank officers.

10. The parties have tendered further minutes of the order dated 28 February, 2024. The said minutes of the order is signed by the attorneys of both the sides. Both the attorneys submit that their clients have signed in their presence. The minutes of the order dated 28 February, 2024 is taken on record and marked 'Y' for identification.

11. A scanned copy of the minutes of order dated 28 February, 2024 is reproduced hereinbelow :-

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29/2/2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
INTERIM APPLICATION NO. 1196 OF 2024
IN
CIVIL REVISION APPLICATION NO. 510 OF 2023

Tender in
court
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29/2

The Union Bank of India
(Andhra Bank) . . . Applicant/ (Org. Defendant)

Versus

Pranav Yogesh Mehta . . . Respondent / (Org. Plaintiff)

MINUTES OF ORDER

Mr. K. Kharawala i/b. Lex Juris for the Applicant.
Mr. Sunny Shah, Advocate a/w. Kunal Agrawal, Advocate i/b.
Niraj Punmiya, Advocate for the Respondent.
Mr. Kunal Anil Ratnkar, Employee No.639489, Chief Manager
of UBI, Matunga Branch is present.
Pranav Yogesh Mehta, Respondent, is present.

CORAM : HON'BLE RAJESH S. PATIL, J.
DATED : 28th February 2024

P.C.:

1. By consent of both the parties, the time for vacating the suit
premises, as granted by the Appellate Bench of the Small Causes
Court, Mumbai, stands extended uptill 31st March 2024 only.

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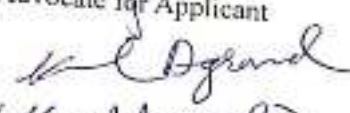
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2. The Applicant Bank agrees that it shall hand over peaceful vacant possession of the suit premises and handover its keys to the Respondent on or before the said date of 31st March 2024 and shall not seek any further extensions.
3. The Applicant Bank agrees that it shall pay the rent and maintenance in respect of suit premises of Rs. 15,20,000/- (Rupees Fifteen Lakhs and Twenty Thousand only) plus applicable taxes, for the period of February 2024 to March 2024. The said amount shall be paid by the Applicant Bank on or before 7th March 2024.


The Union Bank of India
Applicant
KUNAL ANIL RATANWAR
CHIEF MANAGER,


Pranav Yogesh Mehta
Respondent


Lex Juris
Advocate for Applicant

(Kunal Agrawal)
For Adv.
Niraj Punmiya
Advocate for Respondent

12. In case the applicant bank do not adhere to the minutes of the order, by not vacating the premises by 31 March,2024, or not paying the dues for the months of February 2024 and March 2024, the landlords/respondents are permitted to immediately execute the decree by taking the help of the local police (Matunga Police Station). The Matunga Police Station will co-operate with the respondent in case such a situation arisen.

13. Applicant has also agreed that till they are in possession i.e. 31 March 2024, they will pay all the outgoings of the suit premises viz., the electricity bill, water charges and corporation property taxes. So also in case, the respondent landlord wants to visit enter the suit premises before 31 March 2024, in order to show the suit premises to a prospective licensee, after giving a notice of 24 hours, he should be allowed to visit the suit premises.

14. So also, Mr. Kharawala on instructions of his client agrees that his client will vacate the suit premises on or before the said period of 31 March 2024 and the hand over the possession in the condition as it was at the time of they taking over the possession.

15. In case, there is any damage to the premises, the said

expenses would be reimburse by the bank, within one month.

16. The mesne profit application, if any, filed by the respondents/landlords, be decided on its own merits.

17. Interim Application No. 1196 of 2024 is disposed of in terms of the minutes of order.

18. Earlier order to continue till 31 March 2024.

[RAJESH S. PATIL, J.]