

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1161 OF 2022

IN

WRIT PETITION NO.1499 OF 2006

Mahendra Parasmal Surana

..... Applicant

IN THE MATTER BETWEEN

Louis Lobo

..... Petitioner

VERSUS

Mohamed Yusuf Moosa And Ors.

..... Respondents

Mr. Kunal Patil i/b. R.V.Sankpal & Associates for the Applicant.

Mr. Clive D'souza for the Respondents in IA and for the Original
Petitioners in WP.

CORAM: RAJESH S. PATIL, J.

DATE : 4 MARCH, 2024

P.C. :-

This interim application is filed to fix the compensation as per the market rate as per the ratio laid down by the Supreme Court in the judgment of *Atma Ram Properties (P) Ltd. vs. Federal Motors (P) Ltd.*, reported in *(2005) 1 SCC 705*. The writ petition was admitted on 12 April, 2006. The interim application

is preferred only in the month of February 2022 i.e. after the period of 16 years.

2. Even though there was an order passed by this Court that the interim application be heard along with writ petition Mr.Patil, learned counsel appearing for the applicant/landlord on instructions from his client sought permission of this Court that the interim application be taken up separately.

3. I have heard learned counsel appearing for the applicant. I have already held in the judgment of *Brijbhushan Shukla vs. Mahendra Yadav in Civil Revision Application No. 646 of 2012* that such interim application on the belated stage is not maintainable.

4. In view of the same, interim application is not maintainable and the same is dismissed. No costs.

5. Since R & P is received, writ petition will be taken up on

board for final hearing in the week commencing from **22 April, 2024 at 2.30 p.m.**

6. Advocate for the respondent/landlord to file compilation of the documents, list of synopsis and proposition of law on which they rely upon within a period of four weeks from today with a copy to be served upon the advocate appearing for the appellant.

[RAJESH S. PATIL, J.]