

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

**WRIT PETITION NO.4930 OF 2024
WITH
INTERIM APPLICATION NO.7298 OF 2024**

Syngenta India Pvt. Ltd. ... Petitioner
Versus
Maharani Vasundhra Raje
Scindia & Ors. ... Respondents

**WITH
WRIT PETITION NO.4929 OF 2024
WITH
INTERIM APPLICATION NO.7299 OF 2024**

Syngenta India Pvt. Ltd. ... Petitioner
Versus
Shri Krishna Madhav Trust & Ors. ... Respondents

Mr. Jehaan Mehta a/w. Mr. Monit Sahani i/b. King Stubb and
Kasiva Advocates and Attorneys, for Petitioner / Applicant in both
Writ Petitions.

Mr. Babu M. B. i/b. Mr. G. S. Bhat, for Respondent Nos.1 to 5 in
both Writ Petitions.

CORAM : RAJESH S. PATIL, J.

DATED : 8 APRIL 2024

P.C.:

These two Writ Petitions have been fled by Original

Defendant No.1, in T. E. & R. Suit No.145/190 of 2010 and T. E. & R. Suit No.160/208 of 2010.

2. It is the case of the Original Defendant that the suit premises belonging to a Trust and there is a dispute between the two sets of Trustees. Hence two different eviction suits were filed in the Court of Small Causes at Mumbai against Original Defendant No.1. During the pendency of the eviction suit the Defendant No.1 volunteer by making an application the the Court that they desired to vacate the suit premises and handover the possession to the Court Receiver. Pursuant to a common Order passed by the Court of Small Causes, the Original Defendant No.1 on 13 January 2012 handed over possession of the suit premises to the Court Receiver.

3. Thereafter the only issue as far as Defendant No.1 was concerned was as regards to payment of mesne profit and of arrears of rent.

4. The Original Defendant thereafter in both the suit moved an application for adjourning suit sine die till the dispute between two sets of Trustees of the Plaintiff Trust is resolved. The said application filed by the Original Defendant No.1 was disposed by the Judge of the Small Causes Court on 10 February 2020. The Revision filed against the said dismissal Order was also rejected. Against said two Orders present Writ Petitions have been filed.

5. According to me said application for adjourning the matter sine die was not at all maintainable. The Defendant No.1 in

any case was liable to pay mesne profit, the question was to whom such mesne profit should be paid by the Original Defendant No.1. As there was dispute between two sets of Trustees of the Plaintiff Trust the mesne profit being decided by the Trial Court, could be deposited with the trial Court. The Trustees of the Plaintiff Trust would then sort out that issue about receiving of such money amongst themselves to which Original Defendant No.1 could not be heard. Original Defendant No.1 could always bring on record if at all certain monies have been paid by them to one set of Trustees.

6. Hence, both these Writ Petitions are dismissed with directions to the Court of Small Causes that T. E. & R. Suit No.145/190 of 2010 and T. E. & R. Suit No.160/208 of 2010 should be heard simultaneously and an Order to that effect could be passed by the Court after hearing all the parties. Both the Writ Petitions accordingly disposed of.

7. In sequel Interim Applications, if pending, are also disposed of.

(RAJESH S. PATIL, J.)

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