

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6458 OF 2001

ALONGWITH

CIVIL APPLICATION NO. 767 OF 2018

IN

WRIT PETITION NO. 6458 OF 2001

Trade Centre Developers & Builders

Private Limited

..... Petitioner

VERSUS

Bharat Petroleum Corporation Ltd. & Anr.

..... Respondents

Drupad S. Patil for the Petitioner.

Mr.S.R.Page a/w. Ms.Ruchi Umrotkar, Ms.Archana Joglekar for
the Respondents.

CORAM: RAJESH S. PATIL, J.

DATE : 12 MARCH, 2024

P.C. :-

First suit was filed for possession on the ground of '*bona fide* requirement'. The said suit filed by the landlord was decreed. However, the appeal filed by the Bharat Petroleum Corporation Ltd. who was the original defendant, was allowed. Hence, the landlord filed a writ petition before this Court. The said writ petition filed in the proceeding arising out of the first suit was 'admitted' by this Court. The landlord subsequently filed

two more suits for eviction against the Bharat Petroleum Corporation Ltd. The landlord in the year 2002 filed suit against the Bharat Petroleum Corporation Ltd. being Civil Suit No. 139 of 2002 seeking possession (for short “the second suit”). So also, the landlord filed one more suit being Civil Suit No. 308 of 2013 for eviction (for short “the third suit”).

2. In the second suit, the appellate court decreed the suit thereby reversing the findings recorded by the Trial Court. Hence, Bharat Petroleum Corporation Ltd. has challenged the said decree of possession by way of Civil Revision Application No. 210 of 2017 which is pending before this court. As regards the third suit, the trial court and the Appellate Court passed a decree of possession against the defendant therein. The concurrent findings recorded by the Trial Court and the Appellate Court are challenged before this Court by way of Writ Petition No.8078 of 2022. The said Writ Petition No.8078 of 2022 was dismissed by this Court by its order dated 2 December, 2022.

3. There is no dispute between the parties that the possession of the suit premises has been handed over by Bharat Petroleum Corporation Ltd. to the landlord on 4 February, 2022.

4. The landlord has filed two Mesne Profit Applications, one in the second suit and other one in the third suit. The Bharat Petroleum Corporation Ltd. has deposited amounts before this Court by its order dated 31 January, 2024 which permitted the landlord to withdraw the compensation amount deposited by the Bharat Petroleum Corporation Ltd. .

5. Mr.Patil appearing for the landlord informed this Court that his client has already withdrawn the amount deposited by the Bharat Petroleum Corporation. Since, the eviction decree was passed and was confirmed by this Court in the third suit, so also the possession has been already handed over to the landlord, nothing survives in the present writ petition which is filed against the judgment and decree passed is in the first suit.

6. Hence, Writ Petition No. 6458 of 2001 is disposed of as infructuous.

7. In sequel, pending civil application is also disposed of.

[RAJESH S. PATIL, J.]