

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

**INTERIM APPLICATION NO. 13542 OF 2023
IN
CIVIL REVISION APPLICATION NO. 989 OF 2014**

Smt. Krishna Devi Harlalka (since ...Applicant
Deceased) Mr. Ashish Haralalka

Versus

M/s. State Trading Corporation Of India ...Respondent
Ltd.

**WITH
INTERIM APPLICATION NO. 13544 OF 2023
IN
CIVIL REVISION APPLICATION NO. 1010 OF 2014**

Mr. Ashish Haralalka ...Applicant

Versus

M/s. State Trading Corporation Of India ...Respondent
Ltd.

Mr. Nusrat Shah a/w Kevin Gala, Archana Jha i/b Samaa Shah for
the Applicant.
None for the Respondent.

**CORAM : M.M.SATHAYE, J.
DATE : 13th FEBRUARY 2024**

PC. :

1. Heard learned counsel for the Applicants. None appears for the Respondent.
2. These applications are filed by the Petitioners in the revision applications seeking amendment to add averments and bring on

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record certain sale instances from the same building in which subject matter premises are situated to demonstrate higher rate per sq.ft. It is submitted that these averments and sales instances are relevant for the purpose of deciding mesne profits.

3. Earlier record shows that on 26.07.2023, Respondent sought time to take instructions and file reply, if necessary. Thereafter, on 18.12.2023, it was submitted that learned counsel for the Respondent has been recently engaged and time was sought to file appearance as well as reply. On both the occasions, request for time was granted. Despite that, no reply is filed till date and office note confirms this position.

4. In light thereof, considering the uncontroverted averments made in the applications and nature of prayers, these interim applications are allowed in terms of prayer clause (a). The Applicants are permitted to carry out amendment as per the schedule. It is clarified that merits of the contentions, as raised in the amendment including sale instances, are kept open to be decided at the appropriate time.

5. Amendment to be carried out within a period of 3 weeks from today. Interim applications are disposed of.

6. Civil Revision Applications to stand over to 05.03.2024

[M.M.SATHAYE,J.]