

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

**INTERIM APPLICATION NO. 171 OF 2024
IN
CIVIL REVISION APPLICATION NO. 232 OF 2022**

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M/s. Sagar Industries ...Applicant
Versus
Neelkamal Realtors Tower Pvt. Limited ...Respondent

Mr. D.R. Singh a/w Shailesh Rai for the Applicant.
Ms. Rujuta Patil a/w Hasan Mushabber i/b Nigandhi Shah and
Himayatullah for the Respondent.

**CORAM : M.M.SATHAYE, J.
DATE : 12th FEBRUARY 2024**

PC. :

1. This is an application by tenant for restoration of the above Civil Revision Application which is dismissed under conditional order dated 29.03.2023 for non removal of office objections. There is a delay of 93 days in filing the application.
2. Heard learned counsel for the parties.
3. Learned counsel for the Respondent/original landlord submits that in respect of another tenant, but same landlord, similar interim application for restoration is allowed albeit with a costs of Rs.10,000/-. Learned counsel for the Applicant does not dispute this position. Learned counsel for the Respondents submits that same

order as passed in respect of other tenant, be passed but similar costs be imposed.

4. Considering the averments made in the application along with submissions and effect of the conditional order, sufficient cause is made out and I am satisfied that revision application needs to be restored for hearing on merits. However, the Respondents will have to be compensated.

5. Hence, following order is passed:

(i) Interim Application is allowed in terms of prayer clauses (a) and (b), subject to the Applicant paying costs of Rs.10,000/- to the Respondents within a period of 3 weeks from today.

(ii) It is clarified that if the costs are not paid as stipulated above, the application shall stand dismissed.

6. All the concerned to act on duly authenticated/digitally signed copy of this order.

[M.M.SATHAYE,J.]