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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18041 OF 2022

IN

CIVIL REVISION APPLICATION NO.458 OF 2011

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The Saraswat Co-op. Bank Ltd. ...Applicant

V/s.

Madhuri M. Sampat, since deceased
through Her L.Rs. - Vasant M. Sampat ...Respondent

Mr.Durgaprasad Sabnis i/b Lex Firmus for the Applicant.

Mr.Baija V.Pupala for Respondent Nos.1(A), 1(C), 1(E), 1(G)
and 1(J).

CORAM : RAJESH S. PATIL, J.

DATE : 10TH JANUARY, 2024.

P.C. :-

1. This Interim Application is filed on the ground that Respondent 1(C) has died and the legal heirs of Respondent No.1(C) are already on record as Respondent Nos.1 (a) and 1(b) and 1(d) to 1 (j).

2. Heard. I have gone through the contents of the Interim

Application. Case is made out to allow this Interim Application. The Interim Application is allowed in terms of prayer clauses (a) and (b). The amendment to be carried out within two weeks from today.

3. The Interim Application is accordingly disposed of.

WITH
CIVIL REVISION APPLICATION NO.458 OF 2011
WITH
CIVIL REVISION APPLICATION NO.457 OF 2011

The Saraswat Co-op. Bank Ltd.	...Applicant
V/s.	
Madhuri M. Sampat, since deceased	
through Her L.Rs. - Vasant M. Sampat	...Respondent

1. These Civil Revisions are filed by the Bank (sub-tenant). These Civil Revision Applications challenge the impugned findings of possession passed by the Court of Small Causes, Mumbai. While these Civil Revision Applications were filed in the year 2011 and an application for *mesne-profit* was filed by the landlord before the Trial Court which the counsel informs this Court that the same is pending for final hearing. In

the meanwhile, as these Civil Revision Applications were taken up for admission, counsel for the Applicant informs this Court that on 20 July 2012, an order was passed by this Court at the time of granting stay to the execution of the decree, that the Bank should deposit a sum of Rs.1,00,000/- per month in each of the matter from the date of decree till further orders. After the order dated 20 July 2012 was passed, the Applicant Bank in the year 2015 has handed over possession of both the suit premises to the landlord. Mr.Pupala appearing for the Respondent Nos.1(A), 1(C), 1(E), 1(G) and 1(J) admits the fact that the possession has been handed over in April 2015 to the landlord. Thereafter these Civil Revision Applications came up on board in the year 2016.

WITH
INTERIM APPLICATION NO.389 OF 2018
IN
CIVIL REVISION APPLICATION NO.458 OF 2011

Vasantkumar M. Sampat & Ors.

...Applicants

IN THE MATTER BETWEEN :

The Saraswat Co-op. Bank Ltd. ...Petitioner
V/s.
Madhuri M. Sampat since deceased
through Her L.Rs. - Vasant M. Sampat ...Respondents

1. By an order passed by this Court in the Interim Application, directing the Applicant to deposit the amount along with application for stay were directed to be heard along with the Civil Revision Applications.

2. Since the *mesne-profit* application is pending before the Trial Court, in the meantime as the possession of the suit properties was handed over back to the landlord, the parties are directed to make their submission on the Civil Revision Application, for hearing and final disposal.

3. Mr.Pupala appearing for the Respondent Nos.1(A), 1(C), 1(E), 1(G) and 1(J) submits that by an order dated 16 February 2016 passed in both Civil Revision Applications, this Court directed the Bank to deposit the arrears as per the directions passed by this Court on 20 July 2012.

(RAJESH S. PATIL, J.)