

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.549 OF 2008

WITH

CIVIL APPLICATION NO.11 OF 2019

Mohan U. Lalwani, since deceased
through His L.Rs -

Poonam M. Mahendra & Anr. ...Petitioners

V/s.

Shanu J. Mirchandani, since deceased
through Her L.Rs. -

Jaikrishna Mirchandani & Ors. ...Respondents

Mr.Rahul Soman with Mr.Ayaz Bilawala and Mr.Yogesh A.
Gaikwad i/b M/s.Bilawala & Co. for the Petitioners in CRA
No.549 of 2008.

Ms.Poonam Manju Mahendra - Applicant / Petitioner No.1, heir
of Original Petitioner present in Court.

Ms.Lavina C. Kripalani for Respondent Nos.1-a to 1-c.

Mr.Suresh T. Samtani, husband of Karishma Suresh Samtani -
Respondent No.1(c) in CRA No.549 of 2008 present in Court.

CORAM : RAJESH S. PATIL, J.

DATE : 18TH MARCH, 2024.

P.C. :-

1. Mr.Soman appearing for the Petitioner in Civil

Revision Applicant on the instructions of his client, who is present in Court submits that he desires to deposit a sum of Rs.3,36,000/- by way of cheque dated 18 March 2024 with the Registry on the Appellate Side of this Court. He submits that the said amount once deposited, can be withdrawn by Respondent Nos.1(b) and 1(c). He further submits that his client is present in Court, who is ready and willing to hand over the suit premises to the Respondents if the Respondents withdraw *Mesne-profit* Application, which is pending before the Court of Small Causes, Mumbai. He submits that once the keys are handed over, there will be no disputes and differences between the parties and such difference and disputes have been settled as of today.

2. Ms.Kriplani appearing for the Respondents submits that because of death of the original sole Respondent, her legal heirs i.e. Respondent No.1(a), husband and Respondent Nos.1(b), son and Respondent No.2, daughter were brought on record. She submits that even the Respondent No.1(a) has died and his legal heirs are already on record as Respondent Nos.1(b) and 1(c). She further submits that the husband of Respondent

No.1(c) is present in Court. She further submits on instructions of her client that she is ready and willing to accept the keys of the suit premises. She further submits that if such keys of the suit premises are accepted, they will waive their rights as regards *mesne-profit* is concerned and would also withdraw the *Mesne-profit* Application bearing Application No.8 of 2008, pending before the Court of Small Causes, Mumbai. She submits that once the keys are handed over, there will be no disputes and differences between the parties.

3. Since the parties have orally agreed to settle the disputes and differences, Mr.Soman appearing for the Petitioner has handed over the keys of the suit premises to Ms.Kriplani, advocate for the Respondents. His clients are allowed to deposit the said cheque amounting to Rs.3,36,000/- in this Court within a period of two weeks from today. The landlord - original Respondent, Respondent No.1(b) can withdraw the said amount from the Registry of this Court. The Landlord will also withdraw *Mesne-profit* Application bearing Application No.8 of 2008, pending before the Court of Small Causes, Mumbai within two

weeks from today.

4. Since all the disputes and differences between the parties have been settled, this Civil Revision Application is disposed of in above terms.

5. In sequel, all the pending Civil Applications / Interim Applications are also disposed of.

(RAJESH S. PATIL, J.)