

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 22 OF 2021
IN
CIVIL REVISION APPLICATION NO. 402 OF 2011

Mackinnon Mackenzie And Co. Ltd. ...Applicant
In the matter between:
Bombay Chamber Of Commerce And Industry ...Petitioner
Versus
Mackinnon Mackenzie And Co. Ltd., And Anr. ...Respondents

Mr. Naresh Ratnani i/b. Ashwin Ankhad & Associates, for Applicant/
Respondent N.1.
Ms. Lancy D'souza a/w. Deepika Agarwal i/b. Dabholkar, for original
Petitioner.

CORAM : M.M. SATHAYE, J.

DATE : 16th FEBRUARY 2024

P.C. :

. This is an application filed by original Plaintiff / landlord seeking (a) arrears of rent and taxes from February 2005 to February 2019, (b) for direction to pay interim compensation from 03/04/2003 onwards and lastly (c) for expeditious hearing of the civil revision application.

2. Learned counsel for the Respondent (original Petitioner in CRA - tenant) submits that in view of the fact that the tenant has paid arrears till July 2023, prayer clause (a) is worked out and need not be considered. This position is not disputed by the learned counsel for the Applicant.

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3. Learned counsel for the Respondent further submits that so far as prayer clause (b) is concerned, there is no basis for the amount stated in the prayer. Indeed, parties are *ad adem* that there is no order of interim compensation passed by this Court and therefore even this prayer need not be considered.

4. Finally, only prayer clause (c) for expeditious hearing is to be considered. Learned counsel for the Applicant submits that the suit for eviction is filed in 1992 in which decree is passed in October 2003, directing the Defendant / Tenant to vacate the suit premises. He submits that decree of trial court is confirmed by the Appellate Court in March 2011. Since last 13 years, present revision is pending in which interim stay is granted. Inviting this Court's attention to the order dated 24/07/2012 passed in the present revision application, it is submitted that at the time of granting Rule itself, the hearing of the revision application was expedited with liberty to apply for early hearing.

5. Considering the above dates and the fact that the landlord's suit was filed way back in 1992, and further considering the fact that concurrent findings are under challenge in this revision which itself is pending for last several years, it is only just that the hearing of the revision is expedited.

6. In that view of the matter, interim application is allowed in terms of prayer clause (c) only i.e. hearing of the revision is expedited. Above Revision Application be listed under expedited category as per its turn.

7. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)