

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.241 OF 2024

Sushant Premdas Gaur

...Petitioner

Vs

Manish Gupta And Ors

...Respondents

Adv. Gaurav Pandey i/b. Adv. Divakar Dwivedi for the Petitioner

Adv. Shweta Sharma for Respondent Nos. 1 and 2. (*Through V.C.*)
Shri. V. G. Badgujar, AGP for State.

CORAM : RAJESH S. PATIL, J.

DATED : 04 APRIL 2024

P.C.:

1. This Writ Petition is filed by the licensee challenging an order dated 10 August 2023 passed by the Competent Authority, Rent Control, Kokan Division at Bandra, Mumbai.
2. There is no dispute between the parties that on 29 February 2024 the possession of the suit premises has been handed over by the petitioner/licensee to the respondents/licensor.
3. By the impugned order dated 10 August 2023, the petitioner licensee was directed to hand over the possession to the suit premises and were directed to pay damages @ of Rs.1,26,000/- per month from 19 September 2022 till handing over the possession.

4. The Respondents have already filed an execution application before the Trial Court. It is the case of the respondents/licensor that before the Executing Court on 29 February 2024, the licensee had given an undertaking to file a list of their assets. Today learned advocate for the licensor submitted that the licensee has not complied with the direction given by the Executing Court.

5. Yesterday when the matter was argued, learned counsel appearing for the licensee made a statement after the matter was heard for some time that on the next date he will submit a schedule of payment as to how they will clear the outstanding towards damages as directed by the competent authority in its order dated 10 August 2023. However, today when the matter was called out, Mr Pandey, learned counsel appearing on behalf of the licensee and submitted that the licensee unable to attend the Court today and arguing counsel is also not to come court because yesterday he had fallen and hence, his left hand has been injured therefore, his unable to make any statement before this Court.

6. Ms. Sharma, learned counsel appearing for the licensor has raised an objection as regard granting any kind of adjournment to the licensee's advocate as according to her, repeatedly adjournment has been sought in the proceedings on behalf of the licensor and according to her records, even in the cheque bouncing case, the licensee changed as much as six lawyers. She also submitted that such kind of excuses that the advocate for the licensee has slipped or injured himself has also

taken by the advocate previously, therefore, she further submits that this Court should not believe the reasons given by the holding advocate for the licensee. Yesterday when the matter was argued for some time, the licensee's advocate had undertaken to this Court that he will place on record "schedule of payment".

7. Mr. Pandey, submits that he has no instructions from his client as regards to the chart to be supplied "for schedule of payment".

8. Since there is no cooperation from the licensee, this Court is compelled to dismiss this Writ Petition.

9. The Writ Petition is dismissed. No cost.

(RAJESH S. PATIL, J.)