

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9060 OF 2024

Union of India & Anr.

.. Petitioners

Versus

Life Insurance Corporation of India & Anr.

.. Respondents

.....

- Mr. Pranil K. Sonawane (through VC) a/w Mr. Raj Chourasia for Petitioners
- Ms. Namrata Parmar a/w Mr. Ashutosh R. Kaushik i/by M/s. Kaushik & Co for Respondent No. 1

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 16, 2024

P. C.:

1. Heard Mr. Sonawane, learned Advocate for Petitioners and Ms. Parmar, learned Advocate for Respondent No. 1.

2. In the present Petition, challenge is maintained to Section 12 order passed in the Appeal by the Appellate Court filed under Public Premises (Eviction of Unauthorised Persons) Act, 1971 which upholds the order of the Estate Officer.

3. Mr. Kaushik would draw my attention to paragraph No. 33 of the impugned judgment of the Appellate Court and would submit that apart from the order of eviction, there is also a parallel order for payment of damages against the Petitioners. He would submit that in the event if this Court is admitting the Writ Petition and granting stay to the Petitioners in respect of the impugned judgment, then this Court

should consider the request of the Respondent regarding payment of outstanding arrears of damages as also all future payments towards damages for the use of the subject properties. The submission made by Mr. Kaushik is absolutely fair and is required to be considered by this Court. Petitioners are therefore put to notice to take appropriate instructions and show their bonafides regarding deposit of the entire outstanding arrears of damages as also further damages per month for use of the subject premises.

4. Mr. Kaushik would submit that though the arrears of damages are approximately in excess of Rs. Five Crores, for the area admeasuring more than 6000 sq. fts. which is being used by the Petitioners. The monthly damages are approximately Rs. 2,75,000/- per month. In that view of the matter, Petitioners shall take appropriate instructions regarding the deposit to be made in order to show their bonafides if any interim order is required to be passed to protect their possession.

5. Respondents shall not take any precipitative steps against the Petitioners until the next adjourned date.

6. Stand over to **13th August, 2024.**

[MILIND N. JADHAV, J.]