

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10294 OF 2024

Umesh Hiralal Karnavat and Ors. .. Petitioners

Versus

M/s. J. Kumar Infraprojects Limited .. Respondent

...

Mr. Jaydeep Deo, for Petitioners.

...

CORAM : SANDEEP V. MARNE J.

DATE : 24 JULY 2024.

P.C. :-

1) At the very outset, the impugned order passed by the learned Judge on 9 May 2024 appears to be in ignorance of provisions of Order XV-A of the Code of Civil Procedure, 1908 under which the Court has jurisdiction to direct tenant/licensee to deposit arrears of rent/license fees during the pendency of the suit. The learned Judge appears to have completely ignored provisions of Order XV-A by making an erroneous observation that the reliefs sought for deposit of arrears of license fees is in the nature of final relief. The order appears to be prima facie erroneous.

2) Issue notice to Respondent, returnable on 13 August 2024. Hamdast granted. In addition to Court notice, the Petitioners are permitted to serve the Respondent by private notice.

[SANDEEP V. MARNE J.]