

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16885 OF 2024

M/s. Ritik Ceramics Pvt. Ltd. & anr. .Petitioners

Versus

M/s. Bengal Chemicals & Pharmaceuticals & anr. .Respondents

Ms. Nazneen S. Baig, Advocate, for the Petitioners
Mr. Arjun S. Pawar, Advocate, for Respondent Nos. 1 & 2

CORAM : S. M. MODAK, J.

DATE : 26.11.2024

P. C.

1. Heard Ms. Baig, learned Counsel for the Petitioners and Mr. Pawar, learned Counsel for Respondent Nos. 1 & 2. He has appeared pursuant to the Caveat.

2. In this Petition, there is a challenge to the Order dated 24.09.2024 passed by the Principal Judge, City Civil Court, Mumbai. The Order of the Estate Officer was upheld.

3. It is submitted on behalf of the Petitioners that their possession is also taken by the Estate Officer. She is having

grievance about the procedure followed. If the possession is taken over then there is no question of granting interim protection insofar as that issue is concerned.

4. There was also an issue about the quantum of arrears of rent. The Estate Officer has filed the Order dated 20.10.2023 which is at page No. 80 thereby calculating arrears of rent. As the entire amount is not paid, the Estate Officer has now fixed the auction of movable properties found in the premises. The Petitioners are having grievance about the calculations.

5. In fact, it is submitted on behalf of the Respondents that this issue is also decided by the Appellate Court but still they have given an opportunity to hear the Petitioners . The Petitioners will be heard on 23.12.2024. This is also informed to the Petitioners.

6. Learned Counsel for the Petitioners submits that her clients are ready to participate virtually. It is for the Estate Officer to decide.

7. This Court, at this stage, is not making any comment about the issues to be decided by the Estate Officer. It is for him to take the decision. If the Estate Officer wants to go on the basis of the

Order dated 20.10.2023, he should not implement that Order for seven days. The Order passed by him be communicated to the Petitioners in writing.

8. In view of this, the Petition be listed on 13.01.2025.

9. It is made clear that the Petitioners should not ask for an adjournment before the Estate Officer.

(S. M. MODAK, J.)