

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 785 OF 2024
WITH
INTERIM APPLICATION NO. 14549 OF 2024

M/s. Jenita Enterprises And Another ...Appellants
Versus
M/s. P.D. Warehousing Corporation And Another ...Respondents

Mr. Rajesh Kachare a/w. Ms. Savita Sawalkar i/b. M/s. Tamhane & Co., for Appellants.

Mr. Girish Godbole, Sr. Adv. a/w. Neveille Mukerji, Mr. Asim Tirmizi and Ms. Prarthana Balasubramanian i/b. Veritas Legal, for Respondent No.1 (PD Warehousing Corporation).

CORAM : M.M. SATHAYE, J.

DATE : 10th DECEMBER, 2024

P.C. :

1. The above Appeal from Order is moved by the learned counsel for the Appellants, since the Order dated 21.11.2024 disposing of the appeal, required affidavit of undertaking to be filed by the Appellants and their licensee both.

2. It is submitted that after the Order was passed, there are subsequent developments by which the Appellants have terminated the leave and license agreement dated 18.06.2024 executed in favour of their licensee. A copy of letter/notice dated 09.12.2024 is placed on record and it is submitted that under this document, even the licensee has terminated leave and licensee agreement vis-a-vis

the Appellants. Learned counsel for the Appellants, however points out that as can be seen from letter dated 09.12.2024, the licensee has assured that it will abide by the directions of this Court given in the Order dated 21.11.2024.

3. Therefore request is made to permit the Appellants to file an affidavit along with the copy of said letter both dated 09.12.2024 and for treating it as sufficient compliance of clause 10 of the said Order.

4. Affidavit executed on behalf of the Appellants and copy of letter dated 09.12.2024 issued on behalf of licensee of the Appellants, are taken on record and marked as 'X-1' and 'X-2' respectively. Considering the statements made in the affidavit, which are accepted as undertakings to the Court, as well as assurance recorded in the letter dated 09.12.2024 which will bind the licensee, it is noted that clause 10 of the said Order, is complied.

5. Needless to mention that the arrangement between the parties as recorded in the said Order will continue only till the Appellants' licensee vacates the suit godown and after that, the Appellants will be at liberty to carry out necessary amendment in the pending motion, depending on the fresh circumstances that may arise.

(M.M. SATHAYE, J.)