

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

**APPEAL FROM ORDER NO. 852 OF 2024
WITH
INTERIM APPLICATION NO. 15254 OF 2024**

Shri. Pandu Shetty (deceased) Thr Sumana Shetty ...Appellant
Versus
Maharashtra Industrial Development
Thr. Its Chief Executive Officer ...Respondent

Mr. Jayendra Khairnar i/b. Ms Asha C. Shah for the Appellant.

CORAM : M. M. SATHAYE, J.

DATED : 17th DECEMBER 2024

P.C.:

1. Heard learned Counsel for the Appellant.
2. The Appeal is filed challenging the impugned order dated 13/09/2024 passed by City Civil Court, Borivali Division, Dindoshi on Draft Notice of Motion in S. C. Suit No. 1938 of 2024. By the impugned order, the interim relief is refused.
3. In the suit, notice dated 09/08/2024 is challenged.
4. Perusal of the suit notice indicates that the original lease in favour of the Deceased Pandu is already expired and there are arrears of rent, as on today. Suit notice also indicates that the Appellant or his widow, who is now proceeding with the matter, has not availed of converting the rental lease into premium lease in respect of the suit shop, which is a *Pan Bidi* Shop.

5. Learned Counsel for the Appellant submits on instructions that, the Appellant is ready to apply for conversion of rental lease into premium lease or apply for fresh premium lease and is also willing to deposit the entire arrears of rent as on today, as per the directions of the Court.
6. Considering the aforesaid submissions, issue notice to the Respondent, returnable on 21/01/2025.
7. Till the next date, the Respondent is directed not to take coercive steps pursuant to the suit notice dated 09/08/2024, subject to the Appellant paying, and if not accepted, recording tender of entire pending rent as on today, without prejudice to the rights and contentions of both the sides, on or before the next date.

(M. M. SATHAYE, J.)