

2. Learned counsel for the appellant on instructions submits that the appellant would pay the amount of Rs. 13,00,000/- towards transit rent directly to the plaintiff within three weeks from today.

3. In view of the assurance given by the appellant, the respondent on instructions submits that the plaintiff would have no objection for modifying the impugned order to that extent. Hence, the appeal is partly allowed by passing the following order :

(i) Statement made on behalf of the appellant that amount of Rs.13,00,000/- towards arrears of transit rent would be paid to the plaintiff within three weeks from today is accepted as an undertaking to this court.

(ii) The appellant is therefore permitted to pay only the amount of Rs. 13,00,000/- towards arrears of rent without any interest.

(iii) The impugned order therefore stands modified to the aforesaid extent.

(iv) It is clarified that the rival contentions of the parties on the plaintiff's claim for interest is kept open.

(v) The prayers in the suit be therefore decided on its own merits uninfluenced by the observations in the impugned order or any observation in this order.

- (vi) Appeal is disposed of in the above terms.
- (vii) In view of the disposal of the appeal, interim application is disposed of as infructuous.

[GAURI GODSE, J.]