

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3470 OF 2025

New Nalanda CHSL.

...Petitioner

Versus

Kapadia Development CHSL.

...Respondent

Mr. Mohammed Zain Khan a/w Mr. Ashraf Kapoor, for the Petitioner.

CORAM: MADHAV J. JAMDAR, J.

DATED: 7th MARCH 2025

P.C.:

- 1.** Heard Mr. Khan, learned Counsel appearing for the Petitioner.
- 2.** The challenge in this Writ Petition is to the Order dated 4th March 2025 passed in Execution Application No.282 of 2021. Perusal of the record shows that a learned single judge by Order dated 3rd October 2024 passed in Writ Petition No.10751 of 2023 along with Writ Petition No.10680 of 2023 disposed of, both these Writ Petitions by fixing quantum of interim compensation payable in respect of the suit property at the rate of Rs.1,50,000/- per month from the date of decree i.e. 8th September 2021 till disposal of the Appeal.
- 3.** The said Order was challenged before the Supreme Court and the Supreme Court dismissed the SLP by Order dated 27th January 2025, however, granted two weeks time to deposit the said amount as a last chance. The said two weeks time was over on 11th February 2025. Therefore, the learned executing Court issued possession warrant by Order dated 4th March 2025. The factual position on record clearly

shows that the learned Executing Court has not committed any illegality or irregularity in passing the impugned order.

4. However, Mr. Khan, learned Counsel appearing for the Petitioner, states that the time granted by Order dated 27th January 2025 passed by the Supreme Court has been extended by the Supreme Court till 12th March 2025. On the basis of said statement made by Mr. Khan, learned Counsel appearing for the Petitioner the impugned order of the learned Executing Court issuing warrant of possession is stayed till 12th March 2025.

5. Stand over to **12th March 2025 at 2.30 p.m.**

[MADHAV J. JAMDAR, J.]