IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAS) NO. 952 OF 2024
IN
SECOND APPEAL NO. 93 OF 2023
Bharat Petroleum Corporation Ltd.
Vs.
Vijay S/o. Shridhar Alsi

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

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Shri Akshay Naik, Senior Advocate a/w. Shri A. V. Khare, Advocate for appellant.
Shri A. R. Deshpande, Advocate for respondent.

CORAM :- M. W. CHANDWANI, J.

DATED :- 15.07.2025

Heard.

2. By allowing the appeal, the First Appellate Court directed the appellant to hand over the possession of the suit property. Since, the decree for eviction has been passed by the First Appellate Court therefore, the respondent is entitled for occupation charges as held in the case of ***M/S. Atma Ram Properties (P) Ltd Vs. M/S. Federal Motors Pvt. Ltd.[2005 (1) SCC 705]***.

3. In another appeal the petroleum company is paying the occupation charges of the property to the respondent @ Rs.1,50,000/- per month which is adjacent to the suit property in this appeal. Considering the area in occupation of the appellant and the locality in which

the suit property is situated and the above facts, in my view the appellant is directed to pay occupation charges @ Rs.1,50,000/- per month from the date of this application and also directed to continue to pay the said amount per month till further orders. The appellant to clear the arrears within four months from today.

4. Needless to mention that this Court has not decided the quantum of the Mesne Profit.

5. On deposit of the arrears amount of the occupation charges and also as and when the occupation charges is deposited per month by the appellant, the respondent is entitled to withdraw 50% of the deposited amount.

6. The application is disposed of accordingly.

(M. W. CHANDWANI, J.)

Signed by: Mr. Rajnesh Jaiswal
Designation: PA To Honourable Judge
Date: 15/07/2025 16:53:31
RR Jaiswal