

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

**CIVIL REVISION APPLICATION NO.238 OF 2024
WITH
INTERIM APPLICATION NO.7582 OF 2024**

Municipal Commissioner of Greater
Bombay & Anr. ... Applicant
Versus
Mulchand Bhurmal Sanghavi & Ors. ... Respondents

Mr. R. V. Govilkar, Sr. Advocate a/w. Mr. R. Y. Sirsikar, for BMC.

CORAM : RAJESH S. PATIL, J.

DATED : 8 APRIL 2024

PC.:

Mr. Govilkar, the learned Senior Advocate submits that there is eviction decree passed by the Court of Small Causes against the Applicant, pursuant to which possession of the suit premises has already been handed over to the Respondent / Landlord. He submits that thereafter a Mesne Profit Application was moved by the Plaintiff / Landlord. In the said Mesne Profit Application Trial Court and the Appellate Court have already passed a decree against the Applicant. He further submits that Applicants have already deposited entire amount as per decree before the Trial Court. He submits that 9th April 2024 would be last date on which the Respondent / Plaintiff can withdraw the amount

deposited by the Applicant. He submits that therefore the present Civil Revision Application has been moved before this Court. He submits that there is no Caveat filed on behalf of Respondent.

2. Issue notice to Respondent returnable after 4 weeks. Apart from the Court notice Petitioner is permitted to serve the Respondent by private notice by all permissible modes of service and file affidavit of service before the next date of hearing.

3. In the meanwhile the Respondents are prohibited from withdrawing the amount deposited by the Applicants / MCGM till the next date of hearing.

4. Stand over to 6th May 2024.

(RAJESH S. PATIL, J.)

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