

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION [STAMP] NO.18484 OF 2019**

[Irani G. Khodadad v Laxmidas Morarji (since deceased) through L.Rs. & Ors.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	<p>Mr. Agnel Carneiro i/b. M/s. Mulla & Mulla and Craigie Blunt & Caroe, for the Applicant. Mr. S.M. Vyas, Advocate for Respondent No.1(b), 1(c) and 2(b).</p> <p style="text-align: center;">CORAM : R. G. KETKAR, J. DATE : 08/07/2019</p>

P.C.:

1. Not on board. At the request of Mr. Carneiro taken up in the production board.
2. Heard Mr.Agnel Carneiro, learned Counsel for the applicant and Mr.S.M. Vyas, learned Counsel for respondents No.1(b), 1(c) and 2(b).
3. By this application under Section 115 of the Code of Civil Procedure, 1908 (for short, 'C.P.C.'), the applicant, hereinafter referred to as 'defendant No.2', has challenged the judgment and decree dated 3.5.2019 passed by the Appellate Bench of the Small Causes Court at Mumbai in Appeal No.461/2004. By that order, the Appellate Court allowed the appeal and set aside the judgment and decree dated 27.9.2002 passed by the learned trial Judge in R.A.E. & R. Suit No.914/6145 of 1970 and decreed the suit under Section 13(1) (e) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (for short, 'Act') and directed defendants No.1(a) & (2), to hand over vacant and peaceful possession of

block No.2 situate on the 4th floor in the building known as 'Chandra Mahal', (Mohamedali Mansion), 241, Princes Street, Mumbai – 400 002 (for short, 'suit premises') to the plaintiffs within two months from the date of the order. Mr.Carneiro, therefore, got the papers produced for interim protection.

4. Mr.Carneiro states that the applicant is present in the Court today. He has tendered a photo-copy of his PAN card, which is taken on record and marked 'X' for identification.

5. Mr. Carneiro, on instructions, states that :

[i] the applicant is in possession and nobody else is in possession of the suit premises;

[ii] the applicant has neither created third party interest nor parted with the possession of the suit premises.

[iii] the applicant will hereafter neither create third party interest nor part with the possession of the suit premises; and

[iv] before the next date of hearing, the applicant will deposit the contractual rent @ Rs.134.13 paise per month for the period from April, 1986 till 31.12.1994 and from 1.1.2000 till 30.6.2019 in this Court within two weeks from today under intimation in writing to the learned Counsel appearing for respondents No.1(b), 1(c) & 2(b).

6. Mr. Carneiro further assures that before the next date of hearing, the applicant will remove all office objections.

7. In view of thereof, list the application for admission on **22.7.2019**. In the meantime, the applicant shall remove all office objections and also bring L.Rs. of respondent No.3, since deceased, on record.

8. Till next date, subject to the applicant neither creating third party interest nor parting with the possession as also depositing the contractual rent @ Rs.134.13 paise per month for the period from April, 1986 till 31.12.1994 and from 1.1.2000 till 30.6.2019 in this Court within two weeks from today, there shall be ad-interim order in terms of prayer clause (b). Liberty to the parties to file compilation of documents.

(R. G. KETKAR, J.)