

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

**WRIT PETITION NO. 16661 OF 2023
WITH
INTERIM APPLICATION NO. 8438 OF 2024**

Punjab and Sind Bank

}*Petitioner*

: Versus :

The Dilwara Co-operative Housing

Society Ltd.

}....*Respondent*

Mr. R.K. Sharma, for the Petitioner.

Mr. Sukand R. Kulkarni, for the Respondent.

Ms. Alaka A. Nadkarni, APP for State.

Coram : Sandeep V. Marne, J.

Dated : 15 July 2024.

P.C. :

1) Heard Mr. Sharma, the learned counsel appearing for the Petitioner and Mr. Kulkarni, the learned counsel appearing for the Respondent.

2) At the outset, Mr. Kulkarni would raise an objection that the Petitioner has failed to deposit the amount as directed by this Court by order dated 10 January 2024. Mr. Sharma would submit that Petitioner has filed an application for review of the order dated 10 January 2024 and that the said application is pending decision before the Learned Judge who has passed the said order. Mr. Kulkarni, would submit that there is no question of seeking

review of the order dated 10 January 2024 as what is done by this Court is issuance of a direction to the Petitioner to deposit balance mesne profits at the rate of Rs.100/- per sq.ft per month alongwith interest. Mr. Kulkarni would submit that the arrangement for deposit of the amount of balance mesne profits is virtually not on account of any statement being made by the Petitioner and that the same is actually a direction issued by this Court. Be that as it may, Mr. Sharma seeks time to argue the petition.

3) List the petition for further consideration on **6 August 2024**. Parties agree that the petition can be disposed of at the admissions stage. It is further clarified that this Court has not stayed the impugned decree.

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Sandeep V. Marne, J.