

ITEM NO.51

COURT NO.9

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 6367/2022

(Arising out of impugned final judgment and order dated 08-03-2022 in WP No. 7115/2019 passed by the High Court of Judicature at Bombay)

TANAJI DIGAMBAR KADAM

Petitioner(s)

VERSUS

SMT. KUNDA SHRILAL DOSHI

Respondent(s)

(IA No. 52482/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 52483/2022 - EXEMPTION FROM FILING O.T. and IA No. 52481/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-04-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)

Mr. Sudhanshu S Choudhari, Sr. Adv.
Mr. Vatsalya Vigya, AOR
Ms. Gautami Yadav, Adv.
Ms. Pranjal Chapalgaonkar, Adv.
Mr. Mangesh Naik, Adv.

For Respondent(s)

Mr. S Mahesh Sahasranaman, Adv.
Mr. Arjun Garg, AOR

UPON hearing the counsel the Court made the following
O R D E R

After hearing learned counsel for the parties, we are not inclined to interfere with the order impugned. Accordingly, the special leave petition is dismissed. Pending applications stand disposed of.

It is to be noted that at the time of issuance of notice, direction to deposit Rs.20 lakhs was issued, which is lying in Fixed Deposit. However, it be refunded to the petitioner along with interest, if any.

As prayed, we are not inclined to direct refund of Rs.6,50,000/- to the petitioner, and such refund shall be subject to delivery of possession and adjustment of the amount of rent required to be paid by the petitioner. On raising such plea, it shall be decided by the Executing Court on its own merit. We are not inclined to express any opinion on this issue.

The possession which is with the petitioner be now handed over to the respondent within a period of two months and on delivery of the possession, it be reported to the Executing Court.

(NIDHI AHUJA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER