

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

**WRIT PETITION NO. 2988 OF 2022
WITH
INTERIM APPLICATION NO. 2571 OF 2023**

Deepak Dhanraj Murpana and Anr ... Petitioner/Applicant
Vs.
Canara Bank and Ors. ... Respondents

Mr. Vineet B. Naik, Senior Advocate with Mr Ooril Panchal i/b Mahimtura & Company for Petitioner/Applicant.

Mr. G. S. Godbole, senior Advocate with Ms. Radha H. Bhandari and Mr. Bhavesh Wadhwani i/b M. V. Kini and Co. for Respondent No. 1-Bank.

**CORAM: ABHAY AHUJA J.
DATE : 30 JUNE 2023**

P.C. :

1. After the matter is heard for some time, learned Senior Counsel submit that it would be in the best interests of justice that the matter be remanded back to the Small Causes Court, so that the suit can be heard expeditiously and that the Defendants deposit arrears of rent in accordance with the order dated 23rd February, 2021 impugned in this Petition.

2. Accordingly, the Respondent No.1 being Defendant No.1 in the T. E. Suit No. 56 of 2016 (the “said suit”), pending before the Small Causes Court at Bandra, without prejudice to the rights and contentions of both

the parties, is permitted to deposit in the Small Causes Court at Bandra, the arrears of rent in respect of the suit premises at the rate of Rs. 400/- per month (i) for the period from April 2006 to 31st March, 2020 as per the list or statement annexed to the application below Exhibit 46 in the said suit, (ii) the further arrears of rent in respect of the suit premises from 1st April, 2020 till February, 2021.

3. Also without prejudice to the rights and contentions of the parties, Respondent No.1 is permitted to deposit future rent at the rate of Rs.400/- per month from March, 2021 onwards on or before 10th of each month till the final disposal of the suit.

4. At the request of learned Senior Counsel for a direction for expeditious disposal of the suit, the Small Causes Court is requested to endeavor to expeditiously dispose of the said suit, preferably by 31st December, 2024.

5. Further, without prejudice to the rights and contentions of the parties, at the request of Mr. Naik, learned Senior Counsel for the Petitioner, that his client, landlords are willing to settle the matter, if the

bank was to consider the proposal that if the suit property was permitted to be developed, the landlords would grant 3500 sq. feet of built-up area to the Respondent No.1-bank, let the Respondent No.1- bank consider this proposal, so as to put an end to the litigation.

6. The Petition stands disposed of in the above terms. Parties to bear their own costs.

7. Mr. Naik, learned Senior Counsel for the Petitioner seeks to withdraw the pending interim application No. 2571 of 2023, with liberty to file a fresh application before the Trial Court. Pending interim application No. 2571 of 2023 is disposed of as withdrawn with liberty as prayed for.

(ABHAY AHUJA, J.)