

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 308 OF 2011

State Trading Corporation of India
Ltd.

...Applicants

Vs.

Ravinder Singh Sehgal & Ors.

...Respondents

Mr.N.D.Jaywant, Senior Counsel a/w. Mr. Hemant
Prabhulkar i/b. Jurisconsultus for Applicants

Mr.J.S. Saluja for Respondents

CORAM: V.M. KANADE J.

DATED: 20th April, 2011

P.C.

1. A preliminary objection is raised by the learned counsel appearing on behalf of the Respondents that in spite of undertaking given by the Applicants to this Court in Suit No. 463 of 2011 in Notice of Motion No. 550 of 2011 on 10th March, 2011, that they would remove the articles which are lying in the premises within one week, the Applicants have not complied with the said undertaking and till today, the articles are not removed.

2. On the other hand, according to the learned counsel appearing on behalf of the Applicants, the premises were not kept open and articles could not be removed.

3. This is vehemently denied by the learned counsel appearing on behalf of the Respondents.

4. The Applicants are challenging an order passed by the Small Causes Court in an enquiry which was held under Order 20 Rule 12 for fixing the mesne profits at the rate of Rs.19/- per sq.ft. as also the order passed by the Lower Appellate Court which is confirmed the order of the Trial Court. In execution proceedings also, the Executing Court had directed the Applicants to deposit the decretal amount with interest.

5. The learned counsel for the Applicants submits that he would like to take instructions on both these aspects and submits that the articles would be removed before the next date and instructions will be taken regarding the deposit of the decretal amount from the head office at New Delhi. Stand over to 27th April, 2011. Matter to be shown on supplementary board.

(V.M. KANADE J.)