

ITEM NO.6

COURT NO.8

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

M.A.No(s)Nos.167-168/2019 in SLP(C)Nos. 32506-32507/2018

INDIAN BANK

Petitioner(s)

VERSUS

QUEENS CHEMIST MANUFACTURING DEPT. &amp; ANR.

Respondent(s)

(FOR ADMISSION AND APPLICATION ON BEHALF OF RESPONDENT NO. 1 TO  
BRING ON RECORD ADDITIONAL FACTS AND DOCUMENTS)

Date : 25-02-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. Himanshu Munshi, AOR  
Mr. Avinash Kumar Bharti, Adv.  
Mr. Manish Garani, Adv.

For Respondent(s) Mr. Pravin H. Parekh, Sr. Adv.  
Mr. Mulraj Shah, Adv.  
Ms. Ranjana Parikh, Adv.  
Mr. Vishal Prasad, Adv.  
Ms. Sumedha Sindhu, Adv.  
Mr. Raghav Bansal, Adv.  
M/s. Parekh & CO.

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

Heard learned counsel for the parties and perused the relevant material.

The first respondent-landlord has filed I.A. No. 28186 of 2019 to bring on record additional facts and documents. The grievance of the first respondent is that on the date when this Court has passed order on 03.12.2018, the name of the first respondent who has filed the caveat was not reflected in the cause

list and, therefore, they could not make their submission(s) before this Court on 03.12.2018.

The learned senior counsel Mr. Parikh appearing for the first respondent submitted that the Bank be directed to pay arrears of rent directly to the first respondent-landlord. Considering the fact that the petitioner-Bank is only a sub-tenant under the second respondent, we are not inclined to direct the Bank to pay arrears of rent directly to the first respondent-landlord.

The concerned Small Causes Court, Mumbai, shall expedite the hearing of the miscellaneous application filed by the Bank for depositing the amount of Rs.58,49,359/- by way of Demand Draft No. 471536 dated 21.02.2019. The concerned Trial Court shall also expedite the hearing of the matter and pass order in accordance with law so far as disbursement of the arrears of rent is concerned.

The learned senior counsel appearing on behalf of the first respondent-landlord further submitted that the first respondent-landlord may be permitted to pursue the matter before the Small Causes Court in the application filed by them for mesne profits.

The Small Causes Court shall also expedite the hearing in the application filed by first respondent -Queens Chemist Manufacturing Department for the mesne profits.

Misc. applications are, accordingly, disposed of.

(MADHU BALA)  
COURT MASTER (SH)

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER