

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8283 OF 2008

Sanchita Amitabh Dasgupta .. Petitioner.
Vs.
Amitabh Prashant Dasgupta & Anr. .. Respondents.

Mr.Nikhil Karnavat i/b Mr.Ajit Kulkarni for the petitioner.
Mr.Anil Dhavale i/b A.Apte for the respondents.

Coram: D.B. BHOSALE, J.
Dated : 17TH AUGUST, 2009

P.C.

- . Heard learned counsel for the parties.
2. Counsel for the petitioner submits that the petitioner and her husband were inducted in the flat by respondent no.2 – mother-in-law by executing the leave and license agreement dated 26.6.2006 and, therefore, the order of Family Court directing her to vacate the flat and hand it over to respondent no.2 is wrong and illegal. Rule expedited.
3. Under the leave and license agreement the petitioner is liable to pay Rs.5,000/- per month to respondent no.2 which has not been paid since long. The petitioner alone is in possession of the flat. In the circumstances there shall be interim relief in terms of prayer clause (b) subject to the petitioner depositing the entire arrears of license fee under the leave and license

agreement dated 26.6.2006 in this court within a period of eight weeks from today and shall also deposit monthly license fee during pendency of this writ petition every month. If the petitioner fails to deposit the amount, as aforesaid, this petition shall stand dismissed for non prosecution without reference to the court. If the petitioner deposits the amount, liberty to respondent no.2 to withdraw the said amount without prejudice to her rights and contentions. Pendency of this petition shall not operate as stay to further proceedings before the Family Court.

(D. B. Bhosale, J.)

Bombay

High Court