

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3889 OF 2014

Suresh G. Gulrajani	... Petitioner
V/s.	
Ms. Mohini D. Kundnani	... Respondent

Office Notes, Office Memorandum of Coram, Appearances, Court's or orders directions and Registrar's orders.	Court's or Judge's
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Mr. Makrand Raut a/w Bhupesh
Dhumathar i/b. Jhangiani, Narula &
Associates for Petitioner.
Mr. Swapnil Ambre for Respondent.

CORAM : M.S. SONAK, J.
DATE : SEPTEMBER 14, 2015

P.C.:

1] Not on board. Upon
production, taken on board.

2] This petition challenges
orders dated 17th January 2013 and
20th August 2014 made by the Small
Causes Court (trial court) in L.E. &
C. Suit No. 34/43 of 2009. By the
order dated 17th January 2014, the
trial court has permitted the
respondent (plaintiff) to produce on
record certain documents. By the

order dated 20th August 2014, the trial court has ruled upon the admissibility of certain documents.

3] Mr. Makrand Raut the learned counsel for the petitioner submits that this is a suit under Section 24 of the Maharashtra Rent Control Act, 1999 and the only relevant issue in this suit is whether the petitioner is indeed a license in respect of the suit premises. Almost all the documents, which the respondents seek to produce on record are irrelevant and in any case inadmissible. Mr. Raut submits that without appreciating the issue of relevancy or admissibility the impugned orders have been made and therefore, warranted interference under Article 227 of the Constitution of India.

4] At least prima-facie, there is no justification in the grievance made. Further, jurisdiction under Article 227 is not ordinarily to be invoked to question the orders of

the nature which are impugned in the present petition. If ultimately, the suit is decided against the petitioner and the petitioner chooses to institute a substantive appeal against such decision, it is always permissible to the petitioner to question such orders, including the impugned orders. No useful purpose would be served by entertaining the petition at this stage and in stalling the progress in the suit, which even otherwise, the legislature mandates should be expeditiously decided.

5] Accordingly, this petition is not entertained. Liberty as aforesaid is however reserved to the petitioner. It is made clear that this Court has only expressed a prima-facie opinion and therefore, the same need not to be taken into consideration, in case there is any occasion for the petitioner to question the impugned orders by instituting substantive appeal.

6] Further, since the suit is alleged to be between licensee and

licensor and the same was instituted in the year 2009, the trial court is directed to dispose of the same as expeditiously as possible and in any case within a period of 6 months from today.

7] With the aforesaid observations, this writ petition is disposed of. There shall be no order as to costs.

(M.S. SONAK, J.)

CERTIFICATE

**Certified to be true and correct copy of the
original signed Judgment/Order.**