

Sequeira

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

***CIVIL REVISION APPLICATION NO. 416 OF 2014.
Along with
CIVIL APPLICATION NO.279 OF 2014***

Arvind Sadashiv Pednekar .. Applicant
Vs.
Urmiladevi Bechan Chaurasiya & ors. .. Respondents

Ms Kavita Pawar, for the Applicant, in both the Applications.
Mr.P.J.Thorat a/w Ms Pratibha Shelke, for Respondents.

***CORAM: N.M.Jamdar, J.
Wednesday 22 April, 2015***

PC :

By this Civil Revision application, the Applicant challenges the Judgment and Decree passed by the Appellate Bench of the Small Causes Court dated 25 February 2014.

2 The Suit bearing No.168 of 2005 was filed in the Small Causes Court, Mumbai by the Respondent No.1 and 2-Plaintiff against the Defendant No.1-landlord and Defendant No.2, the Applicant. It is the case of the Respondent No.1 and 2 that inspite of direction to Respondent No.1 not to create third party rights, the Respondent No.1 has created interest in the suit property in favour of the Applicant.

3 The suit property is Room No.7 in Chawl No.3 at Sitaram Akshaybar singh chawl, Ambika nagar, Jogeshwari. It is not necessary to reproduce all the facts in detail as the only contention advanced by the learned counsel for the Applicant is that the Judgment and Decree of the learned Appellate Bench in respect of room No.7 is being wrongly executed in respect of room No.10 which is in possession of the Applicant. That the Applicant is in possession of room No.10 is not a fact which arises for consideration, as no party has challenged the said position.

4 The learned counsel for the Respondent No.1 and 2 / original plaintiffs states that the Applicant has no concern with the said room No.10 and he is interested only in execution in respect of room No.7 in the suit chawl. Once this position is clarified and the fact that the Applicant claims no interest in room No.7, it is not necessary to entertain Revision application at the behest of the Applicant on which own showing has no interest in the suit property. The Civil Revision application is accordingly disposed of with a clarification that the execution of decree shall take place in respect of room No.7 and not in respect of room No.10. The Applicant will obviously not obstruct the same.

5 Revision application rejected with the above clarification. In view of this disposal of the Revision, Civil application does not survive and is disposed of.

(N.M.Jamdar, J.)