

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.7211 OF 2014

Mr. Harbin Navinchandra Jhaveri.] ... Petitioner

Versus

Kirtikumar Girdharlal Shah and Ors.] ... Respondents

Ms. Sonal Jhaveri, Constituted Attorney of Petitioner, present in person.

Mr. J. P. Mishra for Respondents.

CORAM :- M. S. SONAK, J.

DATE :- JULY 02, 2015

P. C. :-

1. By the order impugned in this petition, the Appellate Bench of the Small Causes Court has declined to entertain the Petitioner's Revision Petition No.207 of 2014 on the ground that the same is not maintainable.

2. Upon hearing Ms. Sonal Jhaveri, Constituted Attorney of Petitioner and Mr. J. P. Mishra, learned Counsel for Respondents, in my judgment, there is no reason to interfere with the impugned order. However, it is clarified that the observations in the impugned order should not be taken into consideration or should not influence the

Small Causes Court in deciding Marji Application No.533 of 2011 in RAD Suit No.26 of 2010. Further, considering that the Marji Application is pending since the year 2011, it would be appropriate if the learned Small Causes Court disposes of the same within a period of four months from today. In disposing of the Marji Application, the learned Small Causes Court should take into consideration the reply filed by the Petitioner herein, as also the application seeking dismissal of the Marji Application, which itself should be treated as an additional reply.

3. It is made clear that this Court has not considered the merits of the matter and accordingly all contentions of all parties are left open for the decision by the learned Small Causes Court.

4. Both the parties to cooperate with the learned Small Causes Court in the matter of expeditious disposal of Marji Application No.533 of 2011.

5. With the aforesaid, this petition is disposed of.

6. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)