

Sequeira

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

WRIT PETITION NO. 10894 OF 2014.

Mr.Shabbir Fakhruddin Hirani. .. Petitioner

Vs.

Mrs.Rona D.Khade .. Respondent

Mr.Shabbir Kapadia, for the Petitioner.
Ms Rona D.Khade, for the Respondent.

***CORAM: N.M.Jamdar J.
Wednesday 25 March, 2015***

PC.:

By this petition, the Petitioner challenges the order dated 15 November 2014, passed by the appellate bench of Small Causes Court Mumbai, rejecting the application filed by the Petitioner / original Plaintiff for taking up the appeal for Final hearing expeditiously.

2 The Appeal is filed in the year 2013. The appellate bench has rejected the application on the ground that there are guidelines issued by this Court to take up older matters first on expeditious basis. The appellate bench has observed that keeping that in mind and the workload, the application cannot be granted.

3 That the appellate bench in Small Causes Court Mumbai is burdened with its work load cannot be disputed. The learned

counsel accepts that there are matters much older than petitioner's in which landlords are waiting for possessions of their premises, even on the ground of bonafide requirement. Any order that will be passed in favour of the Petitioner will result in prejudice to those matters in which litigants are waiting disposal of their cases.

4 Looking at the work load available it was for the appellate bench of the Small Causes Court to decide whether to take up the matter on priority basis. The appellate bench has found that it is not possible to take up the matter of the Petitioner on priority basis.

5 The learned counsel for the Petitioner has not been able to demonstrate any special reason why his matter be given priority. Reason given by him is frequent change of Advocates by Respondent. Once the appeal is taken up for consideration, the Respondent start changing the advocate, the appellate bench will be entitled to take notice of the grievance of the Petitioner. In view of this position, I am not inclined to interfere in the order passed by appellate bench.

Writ petition is accordingly rejected.

(N.M.Jamdar J.)