

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.6 OF 2015

IN

CIVIL APPLICATION NO.354 OF 2012

IN

CIVIL REVISION APPLICATION NO.330 OF 2012

Chandrakant alias Chandu Khimji Shah	)
alias Dedhia & Anr.	)... Applicants
V/s.	
Mr.Dharmendra manharrai Joshi & Anr.	)... Respondents

Mr.Jawahar J.Thakkar for applicants.

Mr.G.V.Nagarsheth for respondent no.1.

CORAM: K.R.SHRIRAM, J.**DATED : 17.2.2015.****P.C. :**

1 This Civil Application is filed to set aside an order dated 8.5.2013 and order dated 7.11.2014 and to restore Civil Application No.354 of 2012 and Civil Application No.53 of 2013.

2 The applicants had moved for amendment of the Civil Revision Application by way of Civil Application No.605 of 2014. By an order dated 2.12.2014 this court was pleased to dismiss the Civil Application since the Civil Revision Application itself was dismissed as per conditional order that was passed by the Registrar and the

applicants had not filed any application for restoration of Civil Revision Application.

3 The applicants are the occupants of the suit premises against whom decree for eviction has been passed and which is impugned in the Revision Application. In the order dated 2.12.2014 it is noted by this court that a decree impugned in the Revision Application has already been executed and possession has been taken over by respondent no.1 in February-2013. Mr.Nagarsheth counsel for respondent no.1 even today confirms the same position. The counsel for the applicants state that their personal belongings are still in the suit premises. Advocate for the respondent no.1 states that application for disposing of the belongings is already filed before the trial court because the applicants are not taking steps to take away the personal belongings.

4 In the circumstances, I see no reason why this Civil Application should be entertained. Civil Application is rejected.

5 Even at this stage, by way of indulgence, the applicants should they wish to take away their personal belongings, may apply to the trial court for permission.

(K.R.SHRIRAM, J.)