

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 463 OF 2016

M/s. Motor & General Stores Supplying Co. ... Petitioners

Vs.

Naagraj Ganeshmal Jain & Ors. ... Respondents

.....

Mr. Uday Warunjikar for the petitioners.

Mr. Vishal Ghosalkar for the respondent no.1.

....

CORAM : M.S. SONAK, J.

DATE : 02.02.2016.

P.C.:

1. The learned counsel for the respondent no.1 landlord accepts that the possession of the suit premises is with the landlord though, the suit premises have presently been licensed to respondent nos. 2 & 3. Therefore, respondent nos. 2 & 3 are occupying the suit premises along with the movable items of which the inventory was made by the executing court and such occupation is for and on behalf of respondent no.1.

2. In view of the aforesaid statement, Mr. Warunjikar, learned counsel for the petitioner seeks to leave to delete respondent nos. 2 & 3. The deletion is permitted. Necessary amendment to be carried out forthwith.

3. There is no real necessity to entertain this petition. Interests of justice will be met, if the parties are directed to maintain status quo in relation to the aforesaid movable items in the suit premises and further

if directions are issued to the Small Causes Court at Mumbai to dispose of as expeditiously as possible Marji Application No. 299 of 014 in R.A.E. & R Suit No. 591/951 of 2012.

4. Accordingly, parties are directed to maintain status quo in respect of the movable items in the suit premises. Further, the Small Causes Court at Mumbai is directed to dispose of Marji Application No. 299 of 014 in R.A.E. & R Suit No. 591/951 of 2012 on its own merits and in accordance with law within a period of three months from today.

5. The parties to appear before the Small Causes Court at Mumbai on 05/02/2016 at 02.45 pm and to produce authenticated copy of this order.

6. This petition is disposed of with the aforesaid directions.

7. All concerned to act on the authenticated copy of this order.

(M.S. SONAK, J.)