

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Writ Petition NO. 6083 OF 2016

Kulbhushan Ramnath Khanna HUF

...Petitioner

Versus

Asha Baldev R. Khanna

And Ors.

...Respondents

....

Mr.Dipesh Siroya, Advocate for the Petitioner.

Ms. Mamta Sadh a/w. Mr. Joseph Fernandes with Prathmesh Seth,
Advocate for the Respondents.

....

CORAM : R. G. KETKAR, J.

DATE : 01st SEPTEMBER, 2016

P.C.

1. Heard Mr. Dipesh Siroya, learned Counsel for the petitioner and Ms. Mamta Sadh, learned Counsel for the respondents, at length.

2. Rule. Ms. Sadh waives service. At the request and by consent of the parties, Rule is made returnable forthwith and Petition is taken up for final hearing.

3. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 21.3.2016 passed by the Appellate Bench of Small Causes Court at Mumbai in (iii) Revision Petition No.253/2015. By that order, the Appellate Court allowed the Revision Application preferred by the respondents and quashed and set aside the judgment and order dated 3.7.2015 passed by the learned trial Judge below Exhibit-34 in L.E. Suit No.152/190 of 2011 and allowed the application Exhibit-34 filed by the respondents and stayed the

proceedings of L.E. Suit No.152/190 of 2011 till disposal of Administrative Suit No.823/2011 pending before this Court.

4. After arguing the matter for quite sometime, Ms.Sadh, upon taking instructions from respondent No.2 who is present in Court, states that the impugned order may be set aside by consent of parties and the Revision Application may be restored to the file of Appellate Court for considering it *denovo*. The learned Counsel appearing for the parties state that all contentions of the parties may be kept open.

5. In view thereof, by consent of the parties, Petition is disposed of in following terms:

- [i] Impugned judgment and order dated 21.3.2016 passed by the Appellate Bench of Small Causes Court at Mumbai in (iii) Revision Petition No.253/2015, is quashed and set aside. Revision Petition is restored to the file of the Appellate Court.
- [ii] Parties agree that they will appear before the Appellate Court on 19.9.2016 and for that purpose no fresh notice be issued to them.
- [iii] Appellate Court is requested to dispose of the Revision Petition within two months from the date of appearance of the parties.
- [iv] All contentions of the parties are expressly kept open.
- [v] Rule is made absolute in aforesaid terms with no order as to costs.

(R. G. KETKAR, J.)