

Sequeira

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

***SECOND APPEAL NO. 745 OF 2015.
Along with
Civil Application No. 396 of 2016***

M/s.K.B.Lahoti and Company & ors. ... Appellants.
V/s.
Shri Champalal Vithuram Jajoo
(Since deceased through L.Rs.)
1A. Shri Chandrakant Champalal Jajoo & ors. ... Respondents.

Mr.Rupesh Lanjekar, for Appellants / Applicants.
Mr.Milind Sathaye, for Respondent Nos.1-A to 1-F, 2A to 2D, 3 and 4A to 4D.

***Coram : N.M. Jamdar, J.
Wednesday 27 April, 2016.***

P.C. :-

This Appeal is filed by the Defendant Nos.2 to 4 in Regular Civil Suit No.149 of 1998. It is submitted by learned counsel for the Respondent Nos.1 to 4-D that the Suit for eviction was filed under the provisions of Bombay Rents, Hotel and Lodging House Rates, 1947 and it has been held as such by both the Courts and therefore, Second Appeal is not maintainable. The question of law framed by the Appeal memo also indicates the same position. Therefore, the Appellants will have to take out appropriate proceedings to challenge the impugned Judgment and order. Since it is informed that the execution proceedings are scheduled on 30 April 2016. The learned counsel for the parties state that they will take an adjournment for period of one week thereafter in

the execution proceedings. If such application is made, the learned executing Court will grant the same.

2. Accordingly, the Second Appeal stands disposed of with liberty to the Appellants to institute appropriate proceedings to challenge the impugned order. Civil Application is disposed of in above terms.

(N.M. Jamdar, J.)