

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

**APPEAL FROM ORDER NO.1022 OF 2015
WITH
CIVIL APPLICATION NO.1253 OF 2015
IN
APPEAL FROM ORDER NO.1022 OF 2015**

P. Chellaran Raju ..Appellant/Applicant
V/s.

Miss Rohini Kundanlal Gupta & Ors. ..Respondents

None present for the Appellant/Applicant.

Ms.Asma Khan i/by Rustomji & Ginwala for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 01 FEBRUARY 2017.

P.C.

1. Neither the appellant nor his advocate is present.

2. Ms.Asma Khan appears for the respondents. She submits that Appeal From Order is not maintainable against the impugned order dated 22-01-2015 made by the appellate Bench of the Small Causes Court directing the appellant to deposit arrears of rent and to pay rent at the rate of Rs.8,000/- per month till the disposal of the appeal. In any case, she submits that RAD appeal

No.58/2012, in which the impugned order came to be passed has itself been disposed of by the appeal Bench by order dated 11-12-2015. She further placed on record decision of this Court dated 01-02-2016 in Civil Revision Application No.35 of 2016, by which, this Court had dismissed the Civil Revision Application instituted against judgment and decree dated 11-12-2015 made by the appeal Bench of the Small Causes Court. In view of these circumstances Ms.Khan submits that the present Appeal From Order is not maintainable and in any case, the same ought to be dismissed.

3. There is merit in the submissions of the Ms.Khan. Appeal From Order was not maintainable against the impugned order. In any case, the events as stated by Ms.Khan has overtaken the position brought into force by the impugned order. Accordingly, this appeal is dismissed. There shall be no order as to costs.

4. In view of the dismissal of the Appeal, Civil Application does not survive and the same is disposed of.

(M. S. SONAK, J.)