

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

**CIVIL APPLICATION NO. 2095 OF 2017
IN
WRIT PETITION NO. 1730 OF 2005**

Indumati Pandurang Kurhade
(since Decd. Through Lrs.)

1A. Dilip Oandurang Kurhade & Ors. ...Applicants

IN THE MATTER BETWEEN :

1. Smt. Rajani P. Sawant & Anr. ...Petitioners

Versus

Smt.Indumati Pandurang Kurhade & Ors. ...Respondents

Mr.P.B. Shah i/by Kayval Shah for the Applicants/Original
Respondents.

None present for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 01st SEPTEMBER 2017

P.C.

1. Not on board. Upon production, taken on board.

2. Mr.Praful Shah, the learned counsel who appears for the respondents-landlords has sought for production of this matter on the ground that two Courts have concurrently returned findings against the petitioners and ordered their eviction. Mr.Shah points

out that building itself is in a dilapidated condition. He points out that all the occupants/tenants in the said building except the present petitioners have vacated the suit premises. Mr.Shah submits that even the present petitioners are not actually using the suit premises. He points out that the non-user of the suit premises is also one of the ground on which the impugned decree has been made. Mr.Shah, makes a statement that the notice of the present production was furnished to the clerk of Advocate Mr.Sanjay Shirsagar. Mr.Shah however, submits that the clerk of Advocate Mr.Shirsagar really informed him that he has already returned the case papers to the petitioners informing them that he does not wish to appear any longer in this matter. In view of this, place this matter for final hearing on 21st September 2017, High on Board.

3. Mr.Shah states that as a matter of abundant caution he will serve a notice upon the petitioners as also the Advocate for the petitioners and thereafter file an affidavit of service.

4. The Civil Application is disposed of.

(M. S. SONAK, J.)