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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.6914 OF 2013

Mrs. Benedicta Elroy Menezes

..Petitioner.

V/s.

Smt. Mehmuda Dawood wd/o. of

Dawood R.Bux & Ors..

..Respondents.

Mr.P.S.Dani, Senior Advocate for the Petitioner.

CORAM : N.M.Jamdar, J.

DATED : 15 February, 2017

ORAL ORDER

Heard the learned senior counsel for the Petitioner. By the impugned order, an application for amendment moved by the Petitioner in the appeal, for amending the written statement has been rejected by the Appellate Bench of the Small Causes Court. The Petitioner wanted to bring on record some facts, as according to her knowledge, certain tenants have been inducted in the suit building by the Respondents-landlords, which reflects on the *bonafides* of the claim of the Respondents that they want to redevelop the property.

2. If the Respondents-landlords are otherwise able to show that they have intention to redevelop the property, then, they will have to extend the benefit of the scheme of the Act to the newly inducted tenants as well. Therefore, even assuming that the ground sought to be put forth by way of amendment is accepted, that factor cannot demolish the case of the Respondents-landlords stand alone that the suit property is required for redevelopment. The impugned order is passed on 8 March, 2013. There is no interim relief in this petition and in the meanwhile, the appeal must have proceeded further. The learned counsel has no instructions in that regard. In the circumstances, no interference is warranted. Writ petition is accordingly disposed of.

3. In case, the Appellate Court reaches to a conclusion that the Respondents-landlords have not otherwise demonstrated their *bonafides* in respect of their claim of redevelopment, the learned Appellate Bench may take into consideration the facts put forth by the Petitioner as an additional ground.

(N.M.Jamdar, J.)