

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8471 OF 2017**

Rohinton Eruch Shroff and ors.

..Petitioners

Vs

Mahesh C. Mathur

..Respondent

Mr. S.M. Gorwadkar, Sr. Advocate a/w. Mr. Pritesh Vyas for he
Petitioner.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.
DATE : AUGUST 1, 2017.**

P.C. :

. Not on board. In view of urgency, taken on production
board.

2] Through this petition filed under Article 226 of
Constitution of India, the petitioners seek following direction:

*“a] that a Writ of Mandamus or any other writ, order or
direction in the nature of Mandamus be issued directing the
Appellate Court of Small Causes, Mumbai to dispose of
Appeal No. 60 of 2012 in R.A.E. Suit No. 143/2014 of 2007
as early as possible and preferably within one month from
the date of Order;”*

3] Learned counsel for the petitioners submits that the appeal
is pending since long and now it is fixed for final hearing on 7th
August 2017.

4] According to learned counsel for the petitioners in view of law laid down by the Hon'ble Supreme Court in case of *Hameed Kunju vs. Nazim – Civil Appeal No. 9151 of 2017*, the priority is to be given to disposal of the appeal since the question involved in the suit and the appeal is *bonafide* requirement of suit premises by the landlord.

5] Having regard to the aforesaid, we are inclined to dispose of this petition with liberty to the petitioners to submit a copy of the said judgment in case of *Hameed Kunju (supra)* before Appellate Court.

6] We expect that the Appellate Court where the said appeal is pending shall consider the petitioners' prayer of early disposal of the appeal and decide the pending appeal, as expeditiously as possible, keeping in view of the law laid down by the Supreme Court.

7] With aforesaid observations, the petition is disposed.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)