

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1750 OF 2017
IN
WRIT PETITION (St.) No. 32580 OF 2014

Mridula Vinay Rathi & Ors.	... Applicants
In the matter between	
Neel Kumar Ramgopal Gupta & Ors.	... Petitioners
Vs.	
Mridula Vinay Rathi & Ors.	... Respondents

Mr. Uday Warunjikar i/b. Reshma Kurle, Advocate for the applicants/respondents.

Ms. Jahan Ara Sarkhot, Advocate for the petitioners.

Mr. Vinay Rathi, Applicant No. 3 is present in the Court.

Mr. Neel Kumar Ramgopal Gupta, petitioner no.1 is present in the Court.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **25th July, 2017.**

P.C.:

In this Civil Application, a prayer is made that on 14th July, 2017, the applicants have lost their possession, as the petitioners have taken the possession of the suit premises and all the belongings including the articles, papers, books, documents are in the premises.

2. It is submitted by learned counsel for the applicants that the suit premises is an office of an Advocate and therefore, the briefs,

files, law books and the records of the matters in which the Advocate, i.e., applicant No. 3, is appearing are lying in his office and he is not in a position to attend the said matters.

3. The learned counsel for the petitioners has submitted that the possession of the suit premises is taken pursuant to the execution proceedings. She further submitted that applicants have moved an Application Exhibit 34 in the Execution Proceedings No. 157 of 2017 before the Small Causes Court praying that the applicants be allowed to take their belongings out of the suit premises.

4. The learned counsel for the applicants has also filed an Application Exhibit 27 before Small Causes Court for restoration of the possession wherein he has also prayed for return of his books, files and articles .

5. Be that as it may, I am not entertaining this Civil Application, as both the parties have rightly approached the Small Causes Court in the Execution Proceedings. The issue of return of the articles to the applicants as prayed in Exhibit 34 and also in Exhibit 27 is to be heard and decided today itself by the learned Small Causes Court

Judge. It is made clear that any other prayer in respect of restoration or other issues is not to be considered and decided today. The urgency is made out, as applicant No. 3 is an advocate and briefs and record of his clients is in the locked premises. The Small Causes Court shall take up the matter Exhibit 34 and Exhibit 27 for limited purpose and hear and decide it today itself. Parties to appear before the Small Causes Court at around 1.30 p.m.

6. Civil Application is disposed of.

(MRIDULA BHATKAR, J.)