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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER ST NO. 35715 OF 2016
WITH
CIVIL APPLICATION ST NO. 35716 OF 2016
AND
CIVIL APPLICATION ST NO. 4990 OF 2017

N Sudhirkumar alias Dr Sudhirkumar & Ors	...Appellants
<i>Versus</i>	
Madhusudan Hiralal Malu & Anr	...Respondents

Mr Siddharth Ronghe, *for the Appellants.*
Mr Vishwajit P Sawant, *with Nikhil Patil & Prabhakar M Jadhav,*
for the Respondents.

CORAM: G.S. PATEL, J
DATED: 27th July 2017

PC:-

1. The appeal is infructuous. The question of whether or not on a finding that there was a landlord-tenant relationship, the City Civil Court ought to have returned the plaint for presentation to the proper Court or rejected the suit or dismissed it is kept open for an appropriate case.

2. The plaintiff has been presented in the Court of Small Causes and the defendants (appellants herein) have filed their written statement.

3. One thing to be noted is that while the plaintiff was to be re-presented, apparently so too was the written statement. This is confirmed because the appellants agree that paragraph 3 of the written statement is inadvertently carried forward from the pleadings in the City Civil Court. This is clear because the challenge in paragraph 3 is to the jurisdiction of the Civil Court. It is agreed that paragraph 3 of the written statement will need to be deleted. The defendants will make necessary application before the learned Judge of the Court of Small Causes for amendment to the written statement.

4. The appeal is disposed of in these terms. There will be no order as to costs.

5. Both the civil applications do not survive and are disposed of as infructuous.

(G. S. PATEL, J)