

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL CRIMINAL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 198 OF 2018
IN
CIVIL REVISION APPLICATION NO. 510 OF 2007

M/s. Singh Light House and anr.	..Applicants/ Org. Respondents.
In the matter between	
Mr. Dhanraj S. Sakhariya	.. Org. Applicant
vs.	
M/s. Singh Light House and anr.	.. Respondents

Mr. V.B. Tapkir for the Applicants/Org.Respondents.
Mr. Neel Pungliya I/b Mohan Pungliya for the Org. Applicant.

CORAM : M. S. SONAK, J.
DATE : 10 DECEMBER 2018.

P.C. :-

1] In the present case, the Trial Court had ordered eviction of the applicants/respondents in the Civil Revision Application No. 510 of 2007. The eviction order however, was set aside by the Appeal Court and it is against this order that the landlords have instituted Civil Revision Application No. 510 of 2007.

2] During pendency of this Civil Revision Application which is already admitted, the respondents -tenants has taken out this civil application seeking *inter alia* the following reliefs:

“(a) Rule be issued;
(b) this Hon'ble Court be pleased to direct the original Applicant/landlord to refraining from further damaging the suit premises while carrying out construction and to restore the

position of damaged portion of suit premises and also from obstructing the Applicant from using the suit premises.

c) This Hon'ble Court be further pleased to issue directions to the concerned authorities to take appropriate action against the original Applicant/landlord for damaging the suit premises and causing obstruction in use of the suit premises by the Applicant.

d) Any other just and equitable orders in the interest of justice may kindly be passed."

3] The landlords have filed an affidavit denying that they are demolishing or damaging the suit premises. The learned counsel for the applicants – tenants relies upon the photographs. In a Civil Application of this nature, it is not possible for this Court to go into such disputed issues. In any case, such disputed issues are strictly speaking not relevant to the main issues in the Civil Revision Application.

4] This Civil Application can therefore, be disposed of by clarifying that it is open to the parties to approach to the competent Court for seeking suitable orders on the issue of alleged demolition /damages to the suit premises. The competent court shall not refuse to go into this issue only on the ground that pendency of Civil Revision Application, which is strictly not relevant issue at least for the present stage.

5] With the aforesaid clarification, this Civil Application is disposed of. All contentions of all parties are kept open.

6] Further hearing in the Civil Revision Application No. 510 of 2007 is expedited and the matter be placed for final hearing in the week commencing from 11th February 2019.

(M. S. SONAK, J.)