

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 4797 OF 2018

Sonalben Jayantibhai Kapadia
And Ors.

...Petitioners

Versus

J.V. Mariwala And Ors.

...Respondents

....

Mr. Surel S. Shah, Advocate for the Petitioners.

Mr. Ajay Pandey, Advocate for the Respondents.

Mr.Suryakant Ramniklal Udeshi, petitioner No.4 is present in person.

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CORAM : R. G. KETKAR, J.

DATE : 18th APRIL, 2018

PC.

1. Not on board. At the request of Mr. Shah taken up for admission.
2. Heard Mr. Surel Shah, learned counsel for the petitioners and Mr. Ajay Pandey, learned counsel for the respondents, at length.
3. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the judgment and order dated 6.5.2017 passed by the learned Judge, Court No.33 of the Small Causes Court at Mumbai (Bandra Branch) below Exhibit-59 in R.A.D. Suit No.5/1996 as also the judgment and order dated 7.3.2018 passed by the Appellate

Bench of the Small Causes Court at Bandra, Mumbai in M.Appeal No.103/2017. By these orders, the Courts below partly allowed the application made by the respondents/plaintiffs Exhibit-59 and issued following directions :

- “2. The defendants, their servants, agents and persons claiming through them are hereby restrained from putting their locks on the doors of the classrooms in the school premises till the disposal of the suit.
3. The defendants, their servants, agents and persons claiming through them are hereby directed to provide alternate/duplicate keys of the lock of the main gate/entrance gate of the school premises till disposal of the suit.
4. The defendants, their servants, agents and persons claiming through them are hereby restrained from switching off the electricity of the school premises till disposal of the suit.”

4. The matter was heard at length on 17.4.2018 and was kept today. The learned Counsel for the parties have tendered the minutes of the order dated 18.4.2018 duly signed by them. Mr. Shah states that petitioner No.4 Mr.Suryakant Ramniklal Udeshi, one of the trustees of Bai Motibai Kasara Baug Borivli Trust is present in the Court. He has tendered a photo-copy of his Aadhaar Card, which is taken on record and marked 'X' for identification. The minutes of the order dated 18.4.2018 are taken on record and marked 'Y' for identification. Upon taking instructions from the petitioner No.4 Mr.Suryakant Ramniklal

Udeshi, Mr. Shah states that the petitioners will not disconnect/disturb the main electricity connection and will comply clause-4 of the operative part of the trial Court's order dated 6.5.2017. The statement made by Mr. Shah, on instructions, is accepted.

5. In view thereof, by consent of the parties, the Petition is disposed of in terms of the minutes of the order dated 18.4.2018. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)