

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11396 OF 2018

Elegant Industries Pvt. Ltd. ... Petitioner

Versus

National Stock Exchange of India ... Respondents
Limited and Anr.

Mr. Dileep Nevatia, party in person present.

CORAM : NITIN W. SAMBRE, J.
DATE : 15th OCTOBER 2018.

P.C.

. Heard Mr. Nevatia, the party in person, who appears as a representative of the Petitioner. Before the Small Causes Appellate Court in Revision No. 346 of 2018 on 24th July 2018 in presence of the party in person, said matter came to be admitted.

2. An application for recalling of said order came to be moved by the Petitioner objecting the admission of Appeal/Revision, as according to him, the said Revision was not maintainable and the cognizance of the Caveat filed by the party in person is not taken into consideration.

3. In my opinion, whether to admit a Appeal/Revision is not the matter in issue between the Petitioner and the concerned court, as same is an issue between the Appellant and the concerned court. As such this Court does not notice any fault in the admission of Appeal/Revision by the Small Causes Appellate Court.

4. So far as the grant of interim relief in the said Revision/Appeal is concerned, since the Petitioner is on caveat before the same court, it is expected of the Small Causes Appellate Court to hear the present Petitioner while dealing with the prayer for grant of interim relief/stay. The Small Causes Appellate Court shall also be sensitive to the issue raised by the Petitioner- Party in person about the non-maintainability of the Revision/Appeal.

5. Writ Petition stands disposed of with above observations.

(NITIN W. SAMBRE, J.)