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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.565 OF 2018
WITH
CIVIL REVISION APPLICATION NO.564 OF 2018

H.R. Irani	...Applicant
V/s.	
Hon'ble Estate Officer & Anr.	...Respondents

Mr.M.A. Vaid with Ms.Vidhya Shet I/b Vaid & Associates for the Applicant.

Mr.Omprakash Jha I/b The Law Point for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 29TH OCTOBER, 2018

P.C. :-

1. By these civil revision applications filed under section 115 of the Code of Civil Procedure, 1908, the applicant has impugned the order dated 10th September, 2018 passed by the learned City Civil Court, Mumbai dismissing the notices of motion filed by the applicant (original appellant) under Order XI Rule 1 and 2 read with section 151 of the Code of Civil Procedure, 1908, thereby seeking leave to deliver the interrogatories upon the respondent no.2 during the pendency of the said appeal filed by the applicant (original appellant) before the learned Principal Judge against the order of the learned Estate Officer.

2. The proceedings had commenced before the Enquiry Officer in the year 2009. The order of eviction was passed by the learned Estate Officer. Both the parties had led oral evidence before the learned Estate Officer. The applicant however filed the notice of motion before the Principal Judge *inter-alia* praying for seeking to deliver the interrogatories upon the respondent no.2.

3. A perusal of the order date 12th September, 2018 passed by the learned Principal Judge indicates that the said application is not entertained rightly on the ground that the applicant had ample opportunity to cross examine before the learned Estate Officer before framing the issues by the Court to each of the questions which the applicant was entitled to. At the appeal stage, the Principal Judge thus rightly did not allow the applicant to deliver the interrogatories upon the respondent no.2. I do not find any infirmity with the impugned order passed by the learned Principal Judge. Both the notices of motion are thus misconceived and are rightly dismissed by the learned Principal Judge. No interference with the impugned order is warranted. Both the civil revision applications are devoid of merit and are accordingly dismissed. There shall be no order as to costs.

(R.D. DHANUKA, J.)