

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL REVISION APPLICATION NO.560 OF 2019**

Deepak Rajaram Gopal ... Applicant
Vs.
Mr. Jashwant P. Thacker (deceased) & Ors. ... Respondents
.....
Mr. Sachin Chavan, for the Applicant.
Mr. P.V. Shah, for Respondent Nos. 5 and 7.
Mr. Devendranath S. Joshi, for Respondent Nos. 8 to 11.

....
CORAM : S.C. GUPTE, J.

DATED : 7 OCTOBER 2019

P.C. :

. This civil revision application challenges an appellate order passed by the Court of Small Causes at Mumbai on proceedings arising out of a MARJI Application. The Applicant herein is the applicant in that MARJI Application. He is an obstructionist seeking to oppose execution of an eviction decree passed by the Court. The order was passed on Exhibit-11 in the MARJI Application, which sought an interim restraint against the Respondents herein (original plaintiffs) from removal of articles lying in a Temple and Samadhi as per bailiff's report dated 22 December 2015 till the disposal of the MARJI Application. It is submitted that this Temple and Samadhi do not form part of the suit premises, in respect of which the eviction decree is passed. The MARJI Application requires restoration of possession of these structures, which

were taken over by the plaintiff-decree holder in execution of the eviction decree. After the matter is heard at some length, it is agreed between learned Counsel that the CRA may be disposed of by expediting the hearing of the MARJI Application for restoration of possession to the Applicant. In the meantime, till the MARJI Application is heard by the Court, the plaintiffs agree not to demolish the alleged Temple and Samadhi, possession of which has been taken over by the plaintiffs in execution of the decree of eviction. It is ordered accordingly. The Court of Small Causes shall dispose of the MARJI Application as expeditiously as possible and preferably within a period of four weeks from today. Learned Counsel for the Respondents informs the Court that the application is kept on 10 October 2019. Considering the vintage of the matter (the execution application of the Respondents herein itself having been filed as far back as in 2010), the trial court is expected to hear the matter as far as possible from day to day and give utmost priority to any application filed or request made in the matter.

(S.C. GUPTE, J.)