

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 185 OF 2018
IN
CIVIL REVISION APPLICATION NO. 356 OF 2009**

Sudheer Omprakash Bahl

...Applicant

vs.

Mercury Travels Ltd. & Anr.

...Respondents

Mr.Vaibhav Sugdare with Deepak A. Lad i/b. Advani & Co. for Applicant.
Mr.B.P. Israni for Respondent No.1.
Mr.R.M. Haridas for Respondent No.2.

CORAM : S.C. GUPTE, J.

DATE : 14 OCTOBER 2019

P.C. :

This civil application seeks a direction to the appellate bench of the Court of Small Causes at Mumbai for expeditious disposal of miscellaneous appeal pending before it from a decree of mesne profits and expeditious hearing and disposal of the CRA from the original eviction decree filed by the Applicant. Pendency of the present CRA from the original decree of eviction cannot detain the appeal court from hearing an appeal from the decree of mesne profits. There is no reason why the miscellaneous appeal in that behalf should not proceed.

2 Learned Counsel for the Respondent to the civil application (original Applicant in the CRA) has no objection to expeditious disposal of the miscellaneous appeal. Learned Counsel also has no objection to the CRA being expedited.

3 Accordingly, the civil application is disposed of by directing the appellate bench of the court of Small Causes to expeditiously

dispose of Misc.Appeal No.97/2016. The hearing of the present CRA is expedited. The CRA be immediately listed after the ensuing Diwali vacation.

(S.C. GUPTE, J.)