

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 367 OF 2019

Smt. Lata Kailash Sharma

And others

...Petitioners

Versus

M/s. Aditi Constructions

And another

...Respondents

....

Mr. A.M. Saraogi, Advocate for the Petitioners.

Mr. Hemant Mehta i/b. Ms. Mehta & Co. for Respondent No.1.

Mr. P.P. Pujari, A.G.P., for Respondent No.2-State.

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CORAM : R. G. KETKAR, J.

DATE : 27th MARCH, 2019

P.C.

1. Not on board. At the request of Mr.Saraogi taken up for admission.
2. Heard Mr. A.M. Saraogi, learned counsel for the petitioners, Mr. Hemant Mehta, learned counsel for respondent No.1 and Mr.P.P. Pujari, learned A.G.P. for respondent No.2-State, at length.
3. This Petition takes exception to the order dated 7.9.2018 passed by the Appellate Bench of the Small Causes Court at Bandra, Mumbai below Exhibit-6 in Revision Application No.91/2016. By that order, the Appellate Court rejected the application made by the petitioners for converting Revision Application into Appeal.

4. Rule. Learned Counsel for the respective respondents waive service. Having regard to the narrow controversy raised in this Petition as also at the request and by consent of the parties, Rule is made returnable forthwith and the petition is taken up for final hearing

5. Mr. Mehta fairly stated that he is not opposing the prayer made by the petitioners for conversion of Revision Application into Appeal.

6. In view thereof, the impugned order dated 7.9.2018 is set aside. Revision Application No.91/2017 stands converted into Appeal and the delay, if any, caused in filing the appeal shall stand condoned. The Appellate Court will decide the appeal on its own merits and in accordance with law, uninfluenced by the observations made in the impugned order. All contentions of the parties in the appeal are expressly kept open. Rule is made absolute in aforesaid terms with no order as to costs. Petition is disposed of. Order accordingly.

(R. G. KETKAR, J.)