

Chaitali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1552 OF 2022
IN
CIVIL REVISION APPLICATION NO. 102 OF 2022

Gajanan Shankar Loke (Since deceased ...Applicant
through L.R.)
Mr. Paresh Gajanan Loke

Versus

The New Duke Stores & Restaurants & Ors. ...Respondents

A.S. Khandeparkar a/w Rohit P. Mahadik a/w Vaibhav Kulkarni a/w
Rushikesh Bhagat, Saurabh Mittal, Nitin V. Dedhia, Prenak Sharma i/
b Rohit Mahadik for the Applicant.

CORAM : R.I. CHAGLA J

DATE : 2ND DECEMBER, 2022

ORDER :

1. Heard Mr. Khandeparkar, learned Counsel appearing for the Applicant. The Civil Revision Application challenges the impugned judgment and order dated 16th January 2020 passed by the Appellate Bench of Small Causes Court at Mumbai in Appeal No. 231 of 2009 which reversed the judgment of the Trial Court in R.A.D. Suit No. 6 of 1997.

2. None appears for the Respondents.
3. Office note shows that notice issued to Respondent No.1 has been returned unserved with remark “any responsible person for Respondent No.1 not found”. Accordingly, the Applicant is permitted to serve the Respondents by substituted service in two local newspapers 1) Free Press Journal (English language) 2) Navakal (Marathi language) and substituted service shall be carried out by the Applicant within a period of four weeks from the date of this order.
4. An endeavor shall be made to dispose of the Civil Revision Application at the admission stage.
5. In view of the suit filed as declaratory suit having been decreed by the Court of Small Causes and which has now reversed by the impugned judgment, status quo in respect of suit premises being existing Stall No.1 admeasuring 8 ft. x 4 ft. x 16 ft. from where the Applicant is running the business, shall be maintained till the next date.
6. Place the Civil Revision Application for hearing at admission

stage on 25th January 2023.

7. The Advocate's for the Applicant shall serve the notice of the order on Respondents.

8. The Interim Application No. 1552 of 2022 seeks stay of the impugned judgment and order of the Appellate Bench of Court of Small Causes does not survive, in view of the stay already been sought in the Civil Revision Application and which has been granted till the next date.

9. Interim Application No. 1552 of 2022 is accordingly disposed of.

10. Stand over to 25th January 2023.

[R.I. CHAGLA J.]