

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

WRIT PETITION NO.9697 OF 2022

Ratnakar Bhikaji Indulkar

Since deceased through legal heirs

Mrs. Pramila Ratnakar Indulkar & Ors. ..Petitioners

Versus

Jagdish Bhalchandra Chogle & Ors. ..Respondents

Mr. Abhijeet Desai i/by Desai Legal, for the Petitioners.

CORAM : NITIN W. SAMBRE, J.

DATE : 11th AUGUST, 2022

P.C.

1. Heard Mr. Abhijeet Desai, counsel appearing for the petitioner/plaintiff.

2. The petitioner pursuant to his tenancy right has entered into an agreement, as the tenancy was to continue even in the redeveloped property. Having noticed that in redeveloped property, the petitioner was not put in possession, initiated interim application in suit being RAD Suit No.608 of 2005 for direction to hand over possession. I am informed that said application is allowed on 11th June, 2007.

3. It appears that till this date, the petitioners are not given possession of the property post redevelopment

and application under Order VII Rule 11 of the CPC was taken out by the respondent/developer which was rejected by the Small Causes Court on 21st November, 2018.

4. After the aforesaid rejection, the respondent/developer preferred revision being Revision No.16 of 2019 in which the Revisional Court passed an ad-interim order on 8th March, 2019. As a sequel, the suit remained stayed for last more than three years.

5. Mr. Abhijeet Desai in response to the Court's query informs that the notice is already served on the respondents. Even otherwise order which this Court intend to pass is not adverse to the interest of party. The nature of present order is innocuous.

6. None appears for the respondents.

7. I have appreciated the aforesaid submissions.

8. The fact remains that the suit of the petitioners/plaintiffs is pending for more than 17 years. The suit claim is based on the tenancy right alleged by the petitioner. The Court is really at pains to notice that in the revision by ad-interim order dated 8th March, 2019, the suit proceedings are stayed that too without recording any reasons. I am informed that order of staying suit

proceedings is continued till this date without revision being taken up for hearing. Revisional Court should be sensitive to the fact that suit is pending since last about seventeen years and unreasoned order of stay being in operation for three years.

9. In the aforesaid background, it is directed that the Revision Application No.16 of 2019 be decided expeditiously and in any case within period of three months from the date of production of this order.

10. In case, if the revision of the respondent is allowed, the petitioner will be at liberty to question the said order. However, in case if the revision is dismissed, this Court expects the Small Causes Court to decide the suit finally, in any case, within period of one year from today.

11. The Revisional Court, so also the Small Causes Court are requested to report compliance of the aforesaid order, wherein the directions are issued to decide the proceedings in time bound matter.

12. The petition as such stands disposed of.

[NITIN W. SAMBRE, J.]