

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL REVISION APPLICATION NO. 300 OF 2021**

Smt. Sudha Jayshankar Pillai & Ors. ... Applicants

V/s.

Surendra Pratab Singh ... Respondent

Mr.Abhay Thorat for Applicants.

Mr.M.S. Pandey for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 29th March 2022.

PC. :

1. Heard learned counsel for the respective parties.

Perused record.

2. It is the contention of learned Advocate for the Applicants that, the Order passed below Exh.87 dated 3rd March 2021 in R.A.E. Suit No.348/693 of 2007 was passed without hearing the Advocate for the Applicants/Org. defendants. That, though the Appellate Court while passing Order dated 28th September 2021 below Exh.92 has recorded his submissions with respect to his illness on 3rd March 2021, has not afforded him any opportunity of being heard before passing the Order below Exh.87.

3. Perusal of Order passed below Exh.87 by the learned Judge of the Small Causes Court indicates that the Advocate who appeared on that day had

sought adjournment on behalf of the Advocate on record for the Applicants/Org. defendants. However, his request was rejected. It *inter-alia* means that the Advocate for the Applicants/Org. defendants was not heard before passing the impugned Order dated 3rd March 2022 passed below Exh.87.

4. In view thereof, impugned Orders dated 28th September 2021 passed below Exh.92 and 3rd March 2021 passed below Exh.87 are set-aside and the Application filed by the Original plaintiff below Exh.87 is restored to the file of the learned Judge of the Small Causes Court for its hearing afresh by affording an opportunity of being heard to the learned Advocate for the Applicants/Org. defendants.

5. Revision Application is allowed in the aforesaid terms.

6. All the concerned to act on the authenticated copy of this Order.

[A.S. GADKARI, J.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2022.03.31
14:34:24 +0530