

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

WRIT PETITION NO.545 OF 2022

WITH

**INTERIM APPLICATION NO.3925 OF 2023
IN
WRIT PETITION NO.545 OF 2022**

Devan Shatishchandra Ghatalia

.... Petitioner/
Applicant

versus

Nanak Shatishchandra Ghatalia & Anr.

.... Respondents

.....

- Mr. Jaydeep Mitra i/b. Harshal Ghagare, Advocate for Petitioner/Applicant.
- Mr. Nanak S. Ghatalia, Respondent No.1 in person present.
- Mr. Mohammad Lokhandwala i/b. Devan Dwarkadas, Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st APRIL 2023

P.C. :

1. Heard Mr. Jaydeep Mitra i/b. Harshal Ghagare, Advocate for learned counsel for the Petitioner/Applicant, Mr. Nanak S. Ghatalia, Respondent No.1 in person and Mr. Mohammad Lokhandwala, learned counsel for the Respondent No.2.

2. By this Petition the Petitioners have challenged the order dated 25/09/2019 in Execution Application No.297 of 2014 passed by the learned Judge, City Civil Court, Mumbai, in disposed of Suit No.1980 of 2011.

3. This is the second time, the same Petitioner has approached this Court by way of a different Petition. In the past, the same Petitioner had preferred the Writ Petition No.12960 of 2019 before this Court and it was for challenging the same order dated 25/09/2019 passed in Execution Application No.297 of 2014 in the said suit. By a reasoned order dated 10/01/2020, the said Writ Petition was disposed of and the order dated 25/09/2019 was confirmed. Now in this Petition, again the same impugned order is challenged and learned counsel for the Petitioner sought to raise the issue regarding pecuniary jurisdiction of the City Civil Court.

4. In my opinion, filing repeated Petitions challenging the same order, when it was once decided by this Court in earlier

Writ Petition by a reasoned order, simply cannot be permitted. It is unacceptable that on successive occasions without change in circumstances, on different points the same order is challenged again and again when this Court had considered the same order and had rejected the Petitioner's Petition in the past.

5. In view of the order dated 10/01/2020 passed in Writ Petition No.12960 of 2019, rejecting the challenge to the same impugned order, I am not inclined to entertain this Petition and the Petition is accordingly dismissed.
6. With disposal of the Writ Petition, the pending Interim Application is also disposed of.

(SARANG V. KOTWAL, J.)