

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

**INTERIM APPLICATION NO.2994 OF 2022
WITH
CIVIL APPLICATION NO. 1106 OF 2018
IN
SECOND APPEAL NO. 881 OF 2002**

Girijabai Bajirao Garje (since
deceased through legal heirs) :
Bajirao Vitthal Garje and ors. Appellants
v/s.
Sohanlal Meghraj Jain (since
deceased through legal heirs) :
Lilabai Sohanlal Jain and ors. Respondents

**WITH
INTERIM APPLICATION NO. 3491 OF 2023
IN
SECOND APPEAL NO. 881 OF 2002**

Sohanlal Meghraj Jain (since
deceased through legal heirs) :
Lilabai Sohanlal Jain and ors. Applicants

In the matter between :-

Girijabai Bajirao Garje (since
deceased through legal heirs) :
Bajirao Vitthal Garje and ors. Appellants
v/s.
Sohanlal Meghraj Jain (since
deceased through legal heirs) :
Lilabai Sohanlal Jain and ors. Respondents

Mr. Nachiket V. Khaladkar for the Appellants.
Mr. Shreeram Kulkarni, Sr. Advocate for Respondent No.1.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 27th OCTOBER, 2023.

P. C. :-**INTERIM APPLICATION NO. 3491 OF 2023 :-**

- . Not on board. Upon being mentioned, taken on board.
2. By this Application, the Applicants-tenants have sought directions against the Appellants to remove the lock affixed on the suit premises and restore possession of the suit premises more particularly described in paragraph 1 of the plaint.
3. The case of the Appellant is that the Applicants who are the Respondents in the second appeal, are the tenants of the two rooms i.e., Shop no.8, ground floor of the building in City Survey No.49/2, Plot No.30, Chandan Nagar, Garje Market, Pune. The landlord who is the Appellant in the Second Appeal, had filed the suit for eviction on several grounds. The said suit has been dismissed. The Appeal filed by the landlord has also been dismissed. Being aggrieved by the both these orders, the Appellant has filed this appeal under section 100 of the Code of Civil Procedure.
4. The grievance of the Applicants – tenants is that during the pendency of this appeal, the Appellants have locked the premises. As a

result, the tenant and his daughter who are the Doctors by profession, are unable to use the premises. Learned counsel for the Appellant, under instructions, states that the Appellant has not locked the premises and that the lock is infact put by the tenant himself.

5. In such circumstances, it is appropriate to remove the lock through the Nazar of the District Court, Pune. Hence, the learned Principal District Judge, Pune to appoint a Nazar of the Court to break open the lock of the premises viz. two rooms i.e., Shop no.8, ground floor of the building in City Survey No.49/2, Plot No.30, Chandan Nagar, Garje Market, Pune in presence of both parties and to submit the compliance report. The Applicants– tenants shall be at liberty to put his own lock on the subject premises.

ORDER IN INTERIM APPLICATION NO. 2994 OF 2022 and

ORDER IN CIVIL APPLICATION NO. 1106 OF 2018 :-

6. CA/1106/2018 – not on board. Taken on board.

7. By these Applications, the Applicants/Appellants have sought to expedite the hearing of the Second Appeal.

8. The Appeal is of the year 2002. Considering the said fact and

considering the fact that the Appellant No.1A is a senior citizen, hearing of the Appeal is expedited. Appeal be listed on final hearing board in the week commencing from **28/11/2023**.

9. Interim Application No.2994/2022 and Civil Application No.1106/2018 stand disposed of.

10. All concerned to act on an authenticated copy of this order.

**PREETI
HEERO
JAYANI**

Digitally signed
by PREETI
HEERO JAYANI
Date: 2023.10.27
14:43:38 +0530

(SMT. ANUJA PRABHUDESSAI, J.)