

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

CIVIL REVISION APPLICATION NO. 155 OF 2022

Mrs. Usha Harshad Mehta and anr.	 Applicants
v/s.	
Mr. Mukesh Harilal Sidhpura	 Respondent

Mr. V.S. Kapse i/b. Mr. Sameer Bhalekar for the Applicants.
Mr. Abhay S. Khandeparkar, Sr. Counsel a/w. Mr. Amogh Karandikar,
Mr. Rushikesh Bhagat and Mr. Vaibhav Kulkarni i/b. Khandeparkar
and Associates for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th OCTOBER, 2023.

P. C. :-

. In the course of the hearing, Mr. Khandeparkar, learned senior counsel for the Respondent submits that since both the Courts below have not taken into consideration the rent receipt dated 22/01/1999 and the letter/no objection certificate addressed by the father of the Respondent to the Petitioner No.2, the impugned judgment and order can be set-aside with liberty to the Applicants to place on record translation of the rent receipt dated 22/01/1999. Learned senior counsel has also accorded no objection to Exhibit the said documents and to read the same in evidence.

2. Hence, with consent, the impugned judgment is set-aside. The Appeal is remitted to the Appellate Bench of the Small Causes Court with directions to take on record the translation and to exhibit the said rent receipt. The Appellate Court shall take into consideration the documents viz. (i) rent receipt dated 22/01/1999 and (ii) the undated letter/no objection certificate addressed by the father of the Respondent to the Petitioner No.2 (Exhibit – 55) and decide the appeal in accordance with law.

3. The Appellate Bench of the Small Causes Court shall make an endeavour to dispose of the Appeal as expeditiously as possible and in any event within a period of one year from the date of this order. All points and contentions of the respective parties are kept open.

4. Civil Revision Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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