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

**WRIT PETITION NO.4523 OF 2023
AND
WRIT PETITION NO.4954 OF 2023**

Manish Ramchandra Salvi ...Petitioner

V/s.

Mr. C.K. Natrajan ...Respondent

Ms. Bijal Chowlera a/w Altamash Kapadia,
Bhoomika Shah for Petitioner.

Mr. C.K. Natarajan for Respondent-present.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 20th APRIL 2023**

P.C.:

- 1.** Heard Ms. Bijal Chowlera, learned Counsel appearing for the Petitioner.
- 2.** The Petitioner is challenging the legality and validity of the order dated 17th March 2023 passed by the Appellate Bench of Small Causes Court, Mumbai in M. Appeal No. 258 of 2022 in Marji Application No.219 of 2022 in R.A.E. Suit No. 1328 of 2016 as well as order dated 17th March 2023 passed in Revision

Application No. 288 of 2022 in Marji Application No. 60 of 2020 in R.A.E. Suit No. 1328 of 2016.

3. By the impugned order, the learned Appellate Court/ Revisional Court of the Small Causes Court has set aside the order dated 13th October 2022 passed by the learned Trial Court in Marji Application No. 60 of 2020 and the same was allowed subject to payment of costs of Rs.5,000/-. It has been further directed that after depositing costs, an application filed under Order IX Rule 13 of Code of Civil Procedure be registered.

4. In order passed in M. Appeal No. 258 of 2022, the learned Appellate Court has directed that after the payment of costs as ordered in Revision Application No.288 of 2003, Marji Application No. 219 of 2022 be restored to its original file and the parties were directed to appear before the Trial Court on 6th December 2022.

5. While passing the impugned orders, the learned Appellate Court/Revisional Court has taken into consideration that the Respondent/original Defendant could not appear in the proceeding because of medical ground of his wife. The medical papers showing that his wife was suffering from breast cancer, since 2018 are produced on record.

6. The possible view of the matter has been taken by the learned Appellate Court, therefore, no interference in the

impugned orders in the jurisdiction under Article 227 of the Constitution of India is warranted.

7. The Writ Petitions are dismissed, however, with no order as to costs.

(MADHAV J. JAMDAR, J.)