

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 475 OF 2023

ALONGWITH

INTERIM APPLICATION NO. 14776 OF 2023

IN

CIVIL REVISION APPLICATION NO. 475 OF 2023

Pandurang Damodar Darge & Others

..... Applicants

VERSUS

Shrikant Krishna Datta Bajpai

..... Respondent

Mr.Rajiv Carvalho a/w. Mr.A.J.Jadhav for the Applicants.

Mr.Aziz Khan a/w. Mr.H.P.Pandey for the Respondent.

CORAM: RAJESH S. PATIL, J.

DATE : 5th OCTOBER, 2023

P.C:-

After the matter was heard for some time, the parties have agreed on instructions from their clients to quash and set aside the impugned judgment and order dated 18th January, 2023 passed in Marji Application No. 9 of 2018 in R.A.E. & R Suit No. 250/392 of 2013 and as confirmed by the judgment and order dated 18th July, 2023 passed in Misc. Appeal No. 22 of 2023, by the Appellate Bench of the Small Causes Court, Bombay, on the following directions :-

(i) The impugned judgment and order dated 18th January, 2023 passed in Marji Application No. 9 of 2018 in R.A.E. & R Suit No. 250/392 of 2013 and as confirmed by the judgment and order dated 18th July, 2023 passed in Misc. Appeal No. 22 of 2023 is quashed and set aside.

(ii) Marji Application No. 9 of 2018, is allowed in terms of prayer clause (a).

(iii) The Suit No. R.A.E. & R Suit No. 250/392 of 2013 is returned to file, to be heard and disposed of on merits by the learned Single Judge of the Small Causes Court, Bombay.

(iv) The learned Judge of the Small Causes Court, Bombay to make an endeavour to hear and dispose of the suit within a period of four months from the date of receipt of this order.

(v) All questions on merits are kept open.

(vi) The parties to act on the authenticated copy of this order.

(vii) Certified copy is expedited.

(viii) So also, the order dated 21st October, 2013 passed in R.A.E. & R Suit No. 250/392 of 2013 is also quashed and set aside by consent.

(ix) The defendants to file their written statement within a period one week from today and if the defendants wish to lead any evidence, they can file affidavit of evidence within two weeks after filing their written statement.

(x) If the time-line as stated above is not followed, this order will stand vacated.

2. Civil Revision Application is accordingly disposed of.

3. Interim application also stands disposed of.

[RAJESH S. PATIL, J.]