

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10351 OF 2023

Yashwant Kundalik Alhat ... Petitioner

V/s.

Dnyneshwar Haribhau Rakshe and Anr. ... Respondents

SHARADA
RANGNATH
WAHULE

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SHARADA
RANGNATH WAHULE
Date: 2023.10.06
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Ms. Pooja Phagnekar, Advocate for the Petitioners

CORAM : RAJESH S. PATIL, J.

DATED : 4 OCTOBER, 2023

P.C.:

1. In this matter in the earlier occasion notices were issued to the Respondents and Affidavit of service to that effect has already been filed. Though served, the Respondents are not present in Court today.

2. By this writ petition Petitioner is challenging the impugned order passed by the District Court, Pune on 17 April, 2023. The Appellate Court by its Judgment and Order dated 17 April, 2023 has directed the P1etitioner to hand over possession of the suit premises within 90 days.

3. It is the case of the Petitioner that the suit premises is within a slum area, therefore, there was a bar under section 43 to the Civil Court to try and entertained the suit. Though the issue was raised before both the Courts, the Appellate Court has not considered the issue in favour of the Petitioner, and has held that the suit is not hit by the slums Act.

4. I have heard learned counsel for the Petitioner. According to me, case is made out. Hence. Admit.

5. Soft copy of Record and proceedings be sent by the District Court to the High Court within 4 weeks from today. Original Record and proceedings should be preserved by the District Court till further Orders by this Court. Original Record and proceedings to be sent to the High Court when called for.

6. Hearing of a Writ Petition is expedited. In the meanwhile there will be ad-interim relief in terms of prayer clause (B).

(RAJESH S. PATIL, J.)