

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

WRIT PETITION NO.15756 OF 2022

Mahendra Builders ... Petitioner
Vs.
Rukhsana Khalid Ghaswala and ors. ... Respondents

Mr.Aspi Chinoy, Senior Advocate with Ms.Shweta Jaydev, Mr.Rohan Dakshini and Mr.Kyrus Modi i/by M/s Rashmikant and Partners, Advocates for the Petitioner.

Mr.Cyrus Ardeshir, Counsel with Mr.Chirag Sarawagi, Mr.Yash Dhakad i/by Mr.Tushar A. Goradia , Advocates for the Respondents.

**CORAM : ABHAY AHUJA, J.
DATE : 05 JULY, 2023.**

P.C. :

1. After the matter is heard for some time and pursuant to the order dated 22nd June, 2023, both the counsel are at *ad-idem* that since the impugned order does not contain any reasons, the same can be set aside and the matter can be remanded back to the Appellate Court for a fresh decision keeping all contentions open on the understanding that the Respondents will give inspection of the suit premises to the Petitioner and their Architect at any mutually convenient date and time and the fresh report thereafter may be filed before the Appellate Court.

2. Accordingly, order dated 22nd August, 2022 of the Appellate Court of the Small Causes Court passed in Exhibit 9 in Appeal No.127 of 2022 is hereby set aside.

3. Let the Respondents give inspection of the suit premises to the Petitioner and his Architect within a period of two weeks. Let the Architect's report be furnished within a period of two weeks thereafter. The Respondents are at liberty to file their submissions in respect of the report that would be filed by or on behalf of the Petitioner after the inspection. Let the Appellate Court decide the matter afresh after hearing the parties and after considering the submissions and counter submissions and pass a reasoned order within a period of eight weeks thereafter.

4. Petition stands disposed of in the above terms.

(ABHAY AHUJA, J.)