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

**INTERIM APPLICATION NO.18038 OF 2023
IN
WRIT PETITION NO.13121 OF 2023**

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Swastik Enterprises, through its
partner Harakchand Premji Gala ... Applicant

V/s.

Prabhavati Manohar Kumathekar,
PoA Pushpa Dattatray Mankar ... Respondent

Mr. Bhavin Gada with Mr. Deepak Shukla i/by B.N.
Shukla & Co. for the applicant/respondent.

Mr. Padmanabh D. Pise with Ms. Sejal A. Hariyan i/by
P. Padmanabh & Associates for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 19, 2023

P.C.:

1. The writ petition pertains to the assignment of learned Single Judge taking up Rent Act matters. Despite this, the writ petition was moved before this Court without annexing copy of plaint.

2. The respondent has placed on record copy of plaint which indicates that the suit is filed under the provisions of the Rent Act. Hence, the order passed by the Lower Appellate Court was in a proceeding arising out Rent Act. If this be so, the judgment of the Apex Court in the case of **State of Rajasthan v. Prakash Chand &**

Ors. reported in (1998) 1 SCC 12 is squarely attracted.

3. Therefore, the order dated 25 October 2023 is without jurisdiction and, hence, it is recalled.

4. Office to place the writ petition before appropriate Bench.

(AMIT BORKAR, J.)