

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 133 OF 2019

Smt. Indira Radhakrishnan Nair

...Applicant

VERSUS

Shri Dayanand Nilkant Naik And Anr.

...Respondents

Mr.Pankaj Thatte a/w. Ms.Sucheta Joshi-Dongre, Mr.Amit Sharma, Mr.Nikhil Sonar for the Applicant.

Mr.Rajesh L.Dharap for the Respondent No.1.

CORAM: RAJESH S. PATIL, J.

DATE : 5 FEBRUARY, 2024

P.C. :-

After the matter was argued for some time, both the learned counsel agree to dispose of this Civil Revision Application with certain directions.

2. Civil Revision Application is disposed of with following directions :-

- (i) The landlord (applicant in the Civil Revision Application) will handover possession of the suit premises i.e. Room No.10 in Building Keshav Bhavan

on or before 1 April, 2024, on habitable basis to the tenant/respondent no.1 herein.

(ii) All the adults members of the tenant/respondent no.1 will give an undertaking within one week of landlord handing over possession of the suit premises, before the Trial Court that during the pendency of the R.A.E.Suit No. 1350 of 2014, they will not create any third party interest in the suit premises, and will keep on depositing the agreed rent in the Small Causes Court till disposal of the suit.

(iii) The Judge of Small Causes Court will make an endeavour to dispose of the R.A.E.Suit No. 1350 of 2014 as expeditiously as possible and the suit will be disposed of as per the following time line:-

(a) The plaintiff will effect service to defendant no.2 by 28 February, 2024. The defendant no.2 to file his written statement by 20 March, 2024.

(b) Both the parties will co-operate in framing of the issues and the issues may be framed by 30 March, 2024. The parties are permitted to file draft issues.

(c) The plaintiff will file affidavit of evidence of its witness no.1 by 15 April, 2024.

(d) The defendants will thereafter co-operate and cross examine the plaintiff's witness by 21 June, 2024.

(e) If the plaintiff closes its evidence by 1 July, 2024, the defendant no.1 will file an affidavit of evidence of its witnesses by 20 July, 2024.

(f) The plaintiff will thereafter co-operate and cross examine the witnesses of the defendant no.1 by 20 August, 2024.

(g) If the defendant no.1 closes its evidence by

13 September, 2024, the defendant no.2 may examine his witnesses by filing his affidavit of evidence by 15 October, 2024.

(h) The said witnesses of the defendant no.2 can be cross examined by the parties by 2 December, 2024.

(i) If the evidence of all the parties are over by 16 December, 2024, the parties will co-operate in hearing the matter by making their submissions as early as possible.

(j) The parties are permitted to file written submissions.

(k) The Trial Judge may hear the parties on merits and decide the matter by 28 February, 2025.

(l) The Trial Judge will have all powers to

consider to extend any of the above mentioned
time line, in the interest of justice.

3. Civil Revision Application is disposed of in the aforesaid
terms.

[RAJESH S. PATIL, J.]