

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6952 OF 2018

Smt. Laxmibai Ramaswamy Chilveri	...Petitioner
Vs	
Mr. Janardhan Chandrayya Konga	...Respondent

Adv. Kunal Bhanage a/w. Adv. Vasim Siddiqui a/w. Adv. Priyanka Acharya for the Petitioner.

Adv. Y. K. Choudhary for the Respondent

CORAM : RAJESH S. PATIL, J.

DATED : 04 APRIL 2024

P.C.:

1. The Petitioner had filed an R.A.E Suit for eviction under the Rent Act on the grounds of “Permanent Additions and Alterations”, Change of user” “Bona fide requirement” and “arrears”. In the said R.A.E. Suit an application was preferred by the plaintiff seeking an injunction against the defendant from carrying out the additions and alterations in the suit premises. The said application of the plaintiff was allowed by the Trial Court by its order dated 7 January 2017.

2. The defendant being dissatisfied with the order passed by the Trial Court filed the Misc. Appeal before the Division Bench of the Small Causes Court. The Division Bench of the Small Causes Court after hearing the parties by its judgment and order dated 23

November 2017 allowed the appeal of the defendant and set aside the order passed by the Trial Court.

3. Thereafter, the present writ petition is filed in the year 2018, by the original plaintiff challenging the order passed by the Appellate Court of the Small Causes. There is no any kind of relief in favour of the petitioner.

4. Suffice would be the purpose, if the writ petition is disposed of with the following directions :

(i) The hearing of the R.A.E. Suit No.57 of 2015 is hereby expedited.

(ii) Both the parties through their counsel undertake to this Court that they will cooperate with the hearing of the R.A.E Suit, and would not seek unnecessary adjournment.

5. Since this court has not disposed of this writ petition on merits, all rights and contentions of both the parties are kept open.

6. The writ petition is disposed of.

(RAJESH S. PATIL, J.)