

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 6960 OF 2019

Pushpa Damodar Nandurkar
Thru Poa Ajit D Nandurkar ...Petitioner
Versus
Dilipkumar Bhogilal Shaha ...Respondent

WITH
INTERIM APPLICATION NO.13490 OF 2023

Sunil Bhogilal Shah ...Applicant
Versus
Pushpa Damodar Nandurkar
Thru Poa Ajit D Nandurkar ...Respondent

Mr. Kashyap Bhalerao for the Petitioner.
Mr. Nitin Muley for the Respondent (Through Video Conference).
Mr. S. S. Borulkar for Intervenor.

CORAM : RAJESH S. PATIL, J.

DATED : 15 MARCH 2024

PC.:

1. This Writ petition challenges the impugned order dated 27 June 2016 passed by the District Court, Nashik.
2. The Petitioner herein is landlord, who had filed an eviction suit against the defendant. The said suit filed by the Petitioner was decreed. The tenant filed an Appeal before the District Court at Nashik. Before the District Court at Nashik the

tenant filed an application seeking a stay to the impugned judgment and decree. The landlord filed an application seeking payment of market rent in the event the impugned judgment and decree passed by the Trial Court is stayed. However, the Appellate Court/District Court allowed the application of the tenant thereby granting stay to the execution of the Trial Court judgment and decree, however, not granting any compensation by way of of market rent to the landlord. Hence, the present is filed before this court.

3. Heard. I have considered the documents on record. Suffice would be the purpose if the writ petition is disposed with the following direction :

- (i) Hearing of the Civil Revision Application is hereby expedited.
- (ii) The impugned order dated 27 March 2019 passed by the District Judge, Nashik only as regards the exhibit 23 is quashed and set aside.

4. The Appellate Bench of Small Court is hereby directed to hear both the sides and after taking into consideration the documents produced by both the parties as regards the valuation, to decide the appeal as expeditiously as possible and in if any case within a period of six weeks from today.

6. The Writ Petition is disposed of.

(RAJESH S. PATIL, J.)