

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

**INTERIM APPLICATION NO.18299 OF 2023
IN
CIVIL REVISION APPLICATION (ST) NO.24665 OF 2023**

Jagmohandas B. Sidhpura (Dec.) Thr.
Trushar S/O Late Jagmohandas
Sidhpura And Anr. ... Applicants

V/s.

Messrs Kishanbhan And Co. And Ors. ... Respondents

Adv. Amrita B. Singh i.b Adv. Aniruddha A. Sapre, Advocate for the Applicant.

Adv. Mustafa S. Shamin a/w Adv. Apeksha Sharma I.b Shamin & Co., Advocate for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 14 FEBRUARY 2024

P.C.:

1. This Interim Application is filed for condonation of delay in filing the Civil Revision Application, by original plaintiff / landlord.
2. It is the case of the landlord that their advocate on record appearing before the Court of Small Causes was suffering from various ailment due to his old age.
3. So also the wife of the said advocate was not keeping well due to old age ailments, and for admitted in hospital in the month of November 2022, July 2023 and August 2023.

4. Advocate Amrita Singh submits that ultimately the wife of the advocate appearing in the Small Causes Court died. Therefore, according to her there was a unintentional delay in filing the Civil Revision Application. She further submits that this Civil Revision Application is filed by original plaintiff / landlord, hence a plaintiff himself could never delay any proceedings to be filed challenging the impugned Judgment and Order, by which the suit for bonafide requirement amongst other ground was dismissed.

5. Advocate Mustafa Shamin opposes this Interim Application. He submits that the grounds as mentioned in the Interim Application are not genuine , as even though advocate uraizee was on record for the plaintiff / landlord, but the matter was conducted by advocate Mr. Madnesh Singh who was conducting the proceedings on behalf of the plaintiff / landlord. Therefore, according to him, the reasons as mentioned are not bonafide Hence the, Interim Application should be dismissed.

6. I have considered the documents on record and the submissions made by both the sides according to me a case is made out to allow this Interim Application for Condonation of delay.

7. The Civil Revision Application is allowed in terms of prayer clause (a).

8. This Civil Revision Application is disposed of.

CIVIL REVISION APPLICATION (ST) NO.24665 OF 2023

1. This Civil Revision Application is filed by landlord

challenging a concurrent findings recorded by the Single Judge of Small Causes and the Appellate Bench of the Court of Small Causes on one of the ground of bonafide requirement.

2. Hence, This Civil Revision Application is posted for final disposal at the stage of admission.

3. Stand over to 10 April 2024, at 2:30 pm.

(RAJESH S. PATIL, J.)