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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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Date: 2024.02.28
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WRIT PETITION NO.11661 OF 2023

Sanjay M. Salvi ...Petitioner

V/s.

Amrish A. Shelankar & Ors. ...Respondents

Mr.Pradeep Thorat i/b Ms.Aditi Naikare for the Petitioner.

Mr.N.V. Walawalkar, Senior Counsel with Mr.Paresh Mankad,
Mr.Nihar Mankad i/b Mr.Pravin D. Kadam for the Respondents.

CORAM : RAJESH S. PATIL, J.

DATE : 26TH FEBRUARY, 2024.

P.C. :-

1. By consent, the Writ Petition is disposed of with the following directions :-

a). The order dated 20 April 2023 passed by the Single Judge of the Court of Small Causes, Bandra, Mumbai in the Application – Exhibit - 10 is confirmed as per item (2) of the operative part. Item (2) reads as under :-

“2. Defendant, his agent, power of

attorney holder or any body acting on behalf of him is hereby temporarily restrained from subletting parting with possession of suit premises or inducting third party into the suit premises till final disposal of the suit”.

b). So also as regards the use of “Varanda”, the Defendant is permitted to use the same however, the Defendant will not change the “user”.

c). If the landlord in future is of the opinion that it is necessary to repair the “Varanda” and the roof on the first floor, the Defendant has agreed fully co-operate with the landlord. However, there will be at least minimum seven days prior notice to the Defendant so that there is no inconvenience caused to the Defendant.

d). As regards the separate electricity bills of the “Varanda” are concerned, since it is the case of the Defendant that he is paying the monthly electricity bills of “Varanda”, he is allowed to pay such bills however, he will not make any application to insert his name in the electricity bills with the Electricity Company.

e). As regards one non-cognizable complaint filed by the

Defendant in the year 2019 against the landlord, as this Writ Petition by consent is disposed of, the Defendant assures this Court that he will not prosecute the same any further.

f). Item (3) of the operative part of the impugned order is hereby quashed and set-aside and hence the Appellate Court order dated 24 August 2023 is also accordingly disposed of.

2. Hearing of the R.A.E. Suit No.182 of 2022 pending before the Court of Small Causes, Bandra, Mumbai, is expedited. The Court of Small Causes, Mumbai should make an endeavour to dispose of the said suit as early as possible and if feasible to dispose of the same within a period of two years from today.

3. The parties undertake to co-operate with the hearing of the R.A.D. Suit pending before the Court of Small Causes, Mumbai.

4. The Writ Petition is accordingly disposed of.

(RAJESH S. PATIL, J.)