

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Digitally signed  
by VASANT  
ANANDRAO  
IDHOL  
Date:  
2024.01.10  
15:14:55 +0530

VASANT  
ANANDRAO  
IDHOL

INTERIM APPLICATION NO.18066 OF 2023

IN

CIVIL REVISION APPLICATION NO.3 OF 2022

Dilipkumar R. Patil & Anr.

...Applicants

**IN THE MATTER BETWEEN :**

Ajmera Enterprises

...Applicant

V/s.

Dilipkumar R. Patil & Anr.

...Respondents

Mr.Shravan M. Vyas for the Applicants in IA No.18066 of 2023  
and for the Respondent Nos. 1 and 2 in CRA No.3 of 2022.

Mr.Sharad Bansal with Mr.Krishkumar A. Jain and Mr.Kalpesh  
A. Bandre i/b MR.Ritesh K. Jain for the Applicant in CRA No.3 of  
2022.

**CORAM : RAJESH S. PATIL, J.**

**DATE : 8TH JANUARY, 2024.**

**P.C. :-**

1. This Interim Application filed by the original landlord,  
seeking deposit of arrears of rent.
2. After the matter was argued for some time, on

instruction of the Applicants, advocate for the Applicants seeks liberty to withdraw this Interim Application.

3. Liberty as prayer is granted. The Interim Application is accordingly disposed of.

***WITH  
CIVIL REVISION APPLICATION NO.3 OF 2022***

|                            |                |
|----------------------------|----------------|
| Ajmera Enterprises         | ...Applicant   |
| V/s.                       |                |
| Dilipkumar R. Patil & Anr. | ...Respondents |

1. This Civil Revision Application filed by the tenant challenges the impugned judgment and order dated 30 September 2021 passed by the Appellate Bench of the Court of Small Causes, Mumbai.

2. The Appellate Bench of the Court of Small Causes, Mumbai decreed the suit on the ground of non-user. There is no electricity in the suit premises from the year 2004, which is based on the document of the year 2007.

3. Mr.Vyas, advocate appearing for the Respondent Nos.1 and 2 submits that even today, there is no electricity in the suit

premises. Mr.Bansal, advocate appearing for the Applicant submits that the suit premises is 3600 sq.ft on the first floor of the building at Jogeshwari, Mumbai. He submits that the suit premises is used is godown. Hence there is no need of electricity. He submits that the said premises is used as godown and there was no electricity in the suit premises and even today there is no electricity in the suit premises. He submits that there are no findings recorded in the suit impugned judgment and order on the issue of storage.

4. Place the matter on board on 10 January 2024 under the caption of “Admission”.

*(RAJESH S. PATIL, J.)*