

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

CIVIL REVISION APPLICATION NO.177 OF 2024

Broach Sadan Premises

Co-op. Society Ltd.

V/S

The Board of Trustees of the

Port of Bombay & Ors.

....Applicant

....Respondents

Mr. Shashipal Shankar a/w Mr. Sagar Chaurasiya *for the Applicant.*

Mr. Dhruva Gandhi a/w Ms. Nina Motiwalla, Ms. Anjali Kotecha *for Respondent No.1.*

CORAM: SANDEEP V. MARNE, J.

DATE : 23 OCTOBER 2024.

P.C.:

1 Revision Application is called out for admission. The learned counsel appearing for the Applicant seeks adjournment on the ground that the arguing counsel is engaged in a hearing before another Court. Mr. Gandhi, the learned counsel appearing for Respondent-Port Trust would strongly oppose the adjournment on the ground that the Respondent-Port Trust is unable to execute the decree on account of oral assurance given to this Court. When this Court was about to adjourn the Application to 25 October 2024 in order to enable the learned arguing counsel for the Applicant to present his arguments, the learned counsel appearing for the Applicant submits that the

Applicant wants to further amend the said Application by introducing additional grounds in the Revision Application.

2 It appears that Revision Application has since been amended twice. Firstly it was filed as a Writ Petition and has been converted to Revision Application after seeking leave to amend from this Court on 6 March 2024. When Revision Application came up for hearing on 9 July 2024, the Applicant tendered a draft amendment to incorporate additional ground of jurisdiction in the Revision Application. The said draft amendment was strenuously opposed by Mr. Gandhi. However this Court showed indulgence and permitted the Applicant to amend the Revision Application by order dated 9 July 2024. Now the learned counsel appearing for the Applicant submits that the amended ground already incorporated relates to section 41 of the Presidency Small Causes Courts Act, 1882 where the Applicant desires to incorporate one more ground of absence of jurisdiction of Small Causes Court under provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

3 The Applicant cannot be permitted to repeatedly apply for amendment of the Revision Application which is pending since the year 2017. The request for incorporation of the amendment is accordingly rejected. List the Civil Revision Application 'for admission' on **25 October 2024**.