

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

WRIT PETITION NO. 13367 OF 2024

Vishal Harish Sharma

....Petitioner

: Versus :

Manoj Kumar Dodeja & Anr.

....Respondents

Mr. Karl Tamboly a/w. Mr. Anuj Desai, Mr. Rehaan Ajnerwalla, Mr. Dhruv B. Jain, for the Petitioner.

CORAM : SANDEEP V. MARNE, J.

Date : 25 September 2024.

P.C. :

1) Heard Mr. Tamboly, the learned counsel appearing for the Petitioner. He would submit that the Petitioner was not served with summons in respect of eviction application and this fact appears to be apparent from contents of the application filed by Advocate of Respondents on 12 December 2023 before the Competent Authority. It appears that, despite non-service of summons on the Petitioner, the application for leave to defend is rejected by the Competent Authority by recording an erroneous finding that the application was not filed within a period of 30 days from the date of receipt of summons.

2) Issue notice to the Respondents returnable on 15 October 2024. Hamdast granted. In addition to Court notice, Petitioner to

serve Respondents by private service and file Affidavit of service before the next date of hearing.

3) Mr.Tamboly would submit that the license fees in respect of the application premises are not paid since November 2023. In that view of the matter, the entire arrears of license fees as per the Leave & License Agreement from November 2023 till October 2024 shall be deposited in this Court by the Petitioner on/or before 10 October 2024.

4) Till the next date of hearing, the eviction order passed by the Competent Authority as upheld by the Revisionary Authority, shall not be executed.

5) List the petition on **15 October 2024**.

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[SANDEEP V. MARNE, J.]