

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 173 OF 2024

Mahadev Vithobha Shinde(deceased)and Ors ...Applicants
Versus
Mr. Shiv Prasad Ram Khilawan Gupta ...Respondent

Adv. Vijay Thakur i/b. Thakur & Associates for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATED : 19 MARCH 2024

Amol
Diliprao
Nawale

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Date: 2024.03.23
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PC.:

1. Mr.Thakur on behalf of the applicant/defendant nos. 2a to 6 submits that the suit property false under the definition of slums as per the notification of the State Government.
2. He submits that therefore, R.A.E. Suit was not maintainable before the Small Causes Court. He submits that exparte decree was passed in this matter and the applicant has never served.
3. Issue notice to the respondent, returnable after four weeks.
4. Apart from court notice, the applicant is permitted to

serve the respondent by advocate's private notice, by all permissible modes of service and file affidavit of service.

5. Stand over to 16 April 2024.

6. In the meanwhile, there will be ad-interim relief in terms of prayer clause (c) till the next date of the hearing. The prayer clause (c) reads as under :-

“(c) Pending the hearing and final disposal of the above Civil Revision Application, the Judgment and ex-parte Judgment and decree dated 21.09.2017 passed in RAE & R Suit No.224 of 2013 and Judgment dated 06.02.2024 passed in Misc. Appeal No.39 of 2023 in Marji Application No.40 of 2020 and Execution Application No.20 of 2018, be stayed.”

(RAJESH S. PATIL, J.)