

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 267 OF 2025
WITH
INTERIM APPLICATION NO.9563 OF 2025

Ravindra Sitaram Ladi ...Appellant
Versus
Dashrath alias Jeevan Ladi ...Respondent

Mr. P. G. Chavan, for the Appellant.
Mr. Aniesh S. Jadhav, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 9th JULY 2025

PC:-

1. At the outset, Mr. Jadhav, learned Counsel appearing for the Respondent states that this Second Appeal is arising out of the decree which has been passed in a suit which has been filed under the provisions of the Provincial Small Cause Courts Act, 1887 for eviction on the ground that the suit premises has been given to the Appellant i.e. Defendant on gratuitous licence. He points out Section 26-A of the Provincial Small Cause Courts Act, 1887 and more particularly, Sub Section 3 of Section 26-A, which provides that no further appeal shall lie against any decision on appeal

under Sub-Section (1) of Section 26-A and under Sub-Section (1) of Section 26-A, an appeal shall lie, from a decree or order made by the Court of Small Causes exercising jurisdiction under Section 26, to the District Court. Mr. Jadhav, learned Counsel, therefore, submits that the Second Appeal is not maintainable.

2. In view of the said objection raised by Mr. Jadhav, learned Counsel appearing for the Respondent, Mr. Chavan, learned Counsel appearing for the Appellant seeks withdrawal of the Second Appeal, with liberty to file an appropriate proceedings.

3. Accordingly, the Second Appeal is allowed to be withdrawn and disposed of with liberty as prayed.

4. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

5. In view of the withdrawal of the Second Appeal, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]

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