

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17439 OF 2024

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M/s. Swagat Caterers & Ors.

...Petitioners

Versus

Industrial Leather Co. Pvt. Ltd. & Anr.

...Respondents

Mr. Simil Purohit, Senior Advocate a/w Apurva Manvani, Rutwij Bapat, Parisha Shah & Smita Durve i/b Arshil Shah, for the Petitioners.

Mr. Prasad Dani, Senior Advocate a/w Gaurav Sawant i/b Pooja Thakkar, for Respondent No.1.

Ms. Bhoomika Vyas, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 04 FEBRUARY 2025

P.C.:

1. By the present Writ Petition filed under Article 227 of the Constitution of India the challenge is to the legality and validity of the Order dated 11th October 2024 passed by the learned Judge, Small Causes Court, Mumbai below Exhibit 65 in RAE Suit No.1077/1744 of 2012.

2. At the outset, Mr. Prasad Dani, learned Senior Counsel for Respondent No.1 states that the Writ Petition is not maintainable in view of availability of an alternate remedy of Revision under Section 34(4) of the *Maharashtra Rent Control Act, 1999*.

3. In view of the said objection, Mr. Simil Purohit, learned Senior

Counsel for the Petitioner seeks withdrawal of the Writ Petition with liberty to adopt an alternate remedy.

4. Accordingly, the Writ Petition is allowed to be withdrawn and disposed of as such with liberty to adopt an appropriate alternate remedy.

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

6. As the Suit is of the year 2012, the learned Division Bench of the Small Causes Court, Mumbai is requested to dispose of the said Revision expeditiously.

[MADHAV J. JAMDAR, J.]