

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

**INTERIM APPLICATION NO. 6515 OF 2024
IN
WRIT PETITION 5410 OF 2012**

Sarvesh Satish Gurav	Applicant
IN THE MATTER BETWEEN	
Shri. Madhukar Bapu Gurav (deleted)	
through his legal heirs & Ors.	...Petitioners
V/S	
Sakalnarayan J. Sharma (deceased) Through Lrs, Shardaprasad, S. Sharma & Anr	Respondents

Adv. Omprakash Pandey a/w. Ms Pramila Prajapati & Ms. Suchita Pandey for
the Petitioner
Ms. Jai Kanade a/w. Adv. Ankit Tiwari i/b. K. P. Tiwari & Co. for the
Respondents.

CORAM : M. M. SATHAYE, J.

DATED : 14th OCTOBER 2025

P.C.:

1. This Application is already directed to be listed alongwith Writ Petition for disposal, as per earlier order dated 16/09/2025 passed in Civil Application No. 41 of 2018.
2. Learned Counsel for the Applicant insisted that the proposed amendment in this Application and documents produced alongwith Application, needs to be considered at the time of final disposal.
3. It is accordingly directed that present Application alongwith its annexures will be considered with the Writ Petition at the time of final

disposal.

4. There is no dispute that the issue involved in the present Petition is only restricted to the ground of 'default' for which there is concurrent finding of the Courts below. Learned counsel for the Applicant/Petitioner submits that declaratory suit about tenancy right is pending. The issue involved in the present Writ Petition is whether the Petitioner/Original Defendant was a tenant in default. Therefore, the pending declaratory suit about tenancy cannot have any direct bearing on the issue involved in the present writ petition.

5. In that view place the Writ Petition alongwith IA/6515/2024 for final disposal on 03/11/2025.

(M. M. SATHAYE, J.)