

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 15869 OF 2024
IN
WRIT PETITION NO.9463 OF 2019

Smt. Indravati Ashok Singh	...Applicant Ori.Plaintiff/ Resp. no.1
<u>In the matter between :</u>	
Smt. Indravati Ashok Singh	...Ori. Plaintiff/Ori. Resp. no.1.
<i>Versus</i>	
Smt. Bhagirathi Hari Dhakoji Yadav	...Ori. Deft/ Ori. Resp. No.2
And	
Mr. Suresh Chandru Utekar	..Ori. Petitioner

Ms. Riddhi Shah a/w Savita Sharma, Advocate for original
Petitioner in WP
Ms. J. D'Souza i/by R.D. Vora for Applicant/Respondent No.1 in IA.

CORAM: MADHAV J. JAMDAR, J.
DATED : 7th JANUARY 2025

P.C.:

1. Heard Ms. D'Souza, learned Counsel appearing for the
Applicant, who is the Respondent No.1 in the Writ Petition and Ms.
Shah, learned Counsel appearing for the original Petitioner.

2. In the Writ Petition, the challenge is to the legality and validity of the Order dated 20th June 2019 passed by the learned Judge, Small Causes Court, At Mumbai (Bandra) below Exhibit 18 in RAE & R. Suit No.611 of 2016, by which an application filed by the original Petitioner in the Suit filed under Order 1 Rule 10 of Code of Civil Procedure, 1908 has been rejected.

3. By Order dated 11th November 2019, a learned Single Judge has admitted the Writ Petition and granted interim relief in terms of prayer clause (c), by which the hearing of the Suit being R.A.E. and R. Suit No.611 of 2016 is stayed.

4. It is the contention of learned Counsel appearing for the Petitioner that the said stay be vacated. However, as the Writ Petition has already been admitted and , the stay has been granted, no case is made out for vacating the interim relief. However, as in view of the interim order, hearing of the Suit filed in the year 2016 is stayed, the Writ Petition is required to be heard expeditiously in the interest of justice.

5. Accordingly, the Writ Petition to be added in the final hearing board in the week commencing from 3rd February 2025.

6. The Interim Application is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)

BHALCHANDRA
GOPAL DUSANE

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2025.01.07
20:05:28 +0530