

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4137 OF 2025

SONALI
MILIND
PATIL

Digitally signed by
SONALI MILIND PATIL
Date: 2025.04.21
15:07:08 +0530

Jasbir Singh Vijan
Versus

Tushar Himatlal Jani & Ors.

...Petitioner

...Respondents

Mr. Saket Mone a/w. Mr. Raghav Taneja i/b. Vidhii Partners, for the
Petitioner.

Mr. Prasad Dhakephalkar, Senior Advocate (through Video
Conference), i/b. Mr. Niranjana Vaghela, for the Respondent No.1.

CORAM: MADHAV J. JAMDAR, J.

DATED : 21st APRIL 2025

P. C.:

1. Heard Mr. Saket Mone, learned Counsel appearing for the
Petitioner and Mr. Dhakephalkar, learned Senior Counsel appearing
for the Respondents.

2. The challenge in this Writ Petition is to the order dated 6th
March 2025 passed by the learned Appellate Bench of the Small
Causes Court, Mumbai in Miscellaneous Appeal No.22 of 2025
below Exhibit-9 in R.A.D. Suit No.103 of 2025.

3. This matter was argued for some time. Thereafter, both Mr. Saket Mone, learned Counsel appearing for the Petitioner and Mr. Dhakephalkar, learned Senior Counsel appearing for the Respondents submitted that by consent of the parties, the impugned order be quashed and set aside and the said Miscellaneous Appeal No.22 of 2025 be directed to be heard afresh.

4. Accordingly, by consent of the parties, the following order is passed:

ORDER

- (a) The impugned order dated 6th March 2025 passed by the learned Appellate Bench of the Small Causes Court, Mumbai in Miscellaneous Appeal No.22 of 2025 is quashed and set aside by consent. The said Miscellaneous Appeal No.22 of 2025 is restored to file of learned Appellate Bench of the Small Causes Court, Mumbai.

(b) Learned Appellate Bench of the Small Causes Court, Mumbai is requested to dispose of the said Miscellaneous Appeal No.22 of 2025 expeditiously.

(c) Both the parties to appear before the learned Appellate Bench of the Small Causes Court, Mumbai on 23rd April 2025 at 11:00 a.m. and point out this order to the learned Appellate Bench of the Small Causes Court, Mumbai.

5. It is made very clear that this Court has not considered merits and all contentions of both the parties on merits are expressly kept open.

6. The Writ Petition is disposed of in above terms with consent of the parties.

[MADHAV J. JAMDAR, J.]