

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 382 OF 2025

Gaffar Abu Talib Shaikh and Ors. ... Applicants

V/s.

Revatibai Kishorilal Ashiwal and Ors. ... Respondents

Mr. Sunil Kumar Kanoujia, for the applicants.

Ms. Pushpa Goswami, for the respondent nos. 1 to 4.

CORAM : N.J. JAMADAR, J.

DATE : 23rd JULY 2025

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PC:

1. Heard the learned counsel for the applicants.
2. The challenge in this application is to an order dated 9th June 2025 passed by the learned Judge, Court of Small Causes whereby an application preferred by the applicants to frame an additional issue in view of the protection claimed by the applicants under Section 3(Z)(1) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, came to be rejected.
3. The learned Trial Judge was of the view that, issue nos. 4 and 5 which have already been framed by the Court adequately cover the matter of jurisdiction of the Court of Small Causes to entertain, try and decide the suit for eviction.

4. The aforesaid view of the learned Judge seems impeccable.
5. The learned counsel for the applicants submitted that while deciding the application for framing of additional issue, the Judge has expressed an opinion which bears upon the merits of the claim of the applicants for protection and thereby causes grave prejudice to the applicants.
6. The observations of the learned Judge that, “a tenant in slum area becomes ‘a protected occupier’ under the Slum Areas Act, when they are residing in a building in a declared slum area or area which is declared as slum and are subject to certain conditions, notably the requirement for the permission of the Competent Authority before the eviction”, shall be treated to have been confined to the determination of the application for framing an additional issue, and the Trial Court shall not be influenced by the said observations while finally adjudicating the suit.
7. Subject to the aforesaid clarification, the revision application stands disposed.

(N.J. JAMADAR, J)