

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.516 OF 2025

Ramkumar Jalan Public Charitable Trust

...Applicant

Versus

M/s. General Business Corporation

...Respondents

Through one of its Partners

Archana Pradeepkumar Bajaj & Ors.

Mr. Anoopkumar Sharma, for the Applicant.

Mr. Javed Hussein a/w Hiral Bhatia i/b Hussein & Co., for Respondent No.1.

CORAM: MADHAV J. JAMDAR, J.

DATED: 14 NOVEMBER 2025

P.C.:

1. Heard Mr. Sharma, learned Counsel appearing for the Applicant and Mr. Javed Hussein, learned Counsel appearing for Respondent No.1.

2. The challenge in the present Civil Revision Application is to the Order dated 26th September 2025 passed by the learned Judge, Small Causes Court, Mumbai, below Exhibit-25 in RAD Suit No.258 of 2025. The said Application was filed by Defendant No.1, seeking prayer to dismiss the Suit under Order XXIII Rule 3 of the Code of Civil Procedure, 1908, stating that due process of law has been adopted by the Defendant No.1 against the Plaintiff.

3. For the purpose of considering the relief sought in Exhibit-25 application filed in RAD Suit No.258 of 2025, it is necessary to set out the prayers sought in said RAD Suit No.258 of 2025. The substantive prayer Clauses (a) and (b) sought in the said Suit read as under :-

“(a) The Defendants permanently be restrained by themselves, their servants, agents and all persons claiming through or under them by a permanent order and injunction of this Hon’ble Court from causing obstruction/ hindrance from carrying out their business smoothly from the suit premises viz., Shed no. 2A, Gate no. 3, situated in Prakash Cotton Mills Compound, Shankar Rao Naram Path, Lower Parel, Mumbai - 400 013 admeasuring approx. 2100 square feet. and it is also necessary that this Hon’ble Court be please pass an order of injunction restraining the Defendants by themselves, their servants, agents and all persons claiming through or under them from stopping or preventing entry of the tempos for the purposes of loading and unloading its goods and materials from the suit premises;

(b) the Defendants by themselves, their servants, agents and all other persons claiming through or under them be permanently restrained by an order and injunction of this Hon’ble Court from forcibly dispossessing the Plaintiff from the suit premises and or from interfering and or disturbing the Plaintiff’s exclusive use, occupation and possession of the suit premises viz., Shed no. 2A, Gate no. 3, situated in Prakash Cotton Mills Compound, Shankar Rao Naram Path, Lower Parel, (West), Mumbai - 400 013 admeasuring approx. 2100 sq feet in any manner without following due process of law;”

4. Thus, it is clear that the Respondents i.e. the Plaintiffs, have sought permanent injunction as well as injunction restraining the Defendants i.e. present Petitioners, by themselves, their servants, agents and all persons claiming through or under them, from stopping or

preventing the tempos from entering the suit premises for the purposes of loading and unloading its goods and materials.

5. It is the only contention of Mr. Sharma, learned Counsel for the Applicant that the Applicant has already filed L.E. Suit No.66 of 2025 and that since the Petitioners have adopted due process of law, the said RAD Suit be dismissed.

6. However, the prayers sought in the said RAD Suit clearly show that even the injunction restraining the Defendants, by themselves, or their servants, agents etc., is sought, even from stopping or preventing the entry of tempos for the purposes of loading and unloading its goods and materials from the suit premises. Therefore, only on the ground that the Applicant has adopted due process of law, the Suit filed by the present Respondents being RAD Suit No.258 of 2025 cannot be dismissed. The learned Trial Court, by considering all the relevant material, has dismissed the said Application bearing Exhibit-25 filed in said RAD Suit No.258 of 2025.

7. Accordingly, no case is made out for interference in the impugned Order.

8. Thus, the Civil Revision Application is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]