IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6017 OF 2019

Niraj Rohit Oza and Anr. ...Petitioners

V/s.

Mrudula Rohit Oza ...Respondent

Mr. Kunal Vaishnav *with Mr. A. Gvewali and Mr. Firdaus Rajput for the Petitioners.*

CORAM: SANDEEP V. MARNE, J.

DATED: 16 OCTOBER 2026.

P.C.:

1) The Petition challenges order dated 6 October 2018 passed by the learned Judge, City Civil Court at Bombay in Notice of Motion No.4535 of 2017 filed in Suit No.3614 of 2007. By that Application, the Petitioner had sought stay of Suit No.3614 of 2007 till decision on R.A.D. Suit No.103 of 2008 pending before the Small Causes Court at Bombay.

2) I have heard Mr. Vaishnav, the learned counsel appearing for the Petitioners and have considered the submissions canvassed by him.

3) It appears that Suit No.3614 of 2007 is filed by mother-Mrudula Rohit Oza seeking injunction against the son and his wife (Defendants)

inter-alia from disturbing the possession of suit premises. On the other hand, son and the wife (Petitioners) have instituted Suit No.103 of 2008 in the Small Causes Court seeking declaration of tenancy in respect of the suit premises. The Petitioners apprehend that if mother's Suit No.3614 of 2007 is decided at an earlier point of time and if she succeeds in securing an injunction, the same would come in their way of seeking declaratory relief in R.A.D. Suit No.103 of 2008.

4) As a matter of fact, both the Suits are filed in two different courts seeking distinct reliefs. Application of mother for staying R.A.D. Suit No.103 of 2008 is already rejected. Her prayer for clubbing of both the Suits is also rejected. In such circumstances, interest of the Petitioners can be protected by directing that the decree that may be passed in Suit No.3614 of 2007 would not affect Petitioners' prayer in R.A.D. Suit No.103 of 2008. In other words, the declaratory relief as well as relief of possession in R.A.D. Suit No.103 of 2008 shall be adjudicated without being influenced by any decree that may be passed in Suit No.3614 of 2007. If mother succeeds in Suit No.3614 of 2007 and Petitioners succeed in Suit No.103 of 2008 subsequently, the injunction in favour of mother would operate only during time gap of decision of the two Suits. This clarification sufficiently protects the interest of the Petitioners. It is also clarified that the Suit shall be decided uninfluenced by any of the observations made by either City Civil Court or by the Small Causes Court while deciding the Suits pending before them.

5) Time to file evidence by the Petitioners in Suit No.3614 of 2007 is extended by a period of four weeks from today.

6) With the above clarification, Writ Petition is **disposed of.**

[SANDEEP V. MARNE, J.]

Signed by: Megha S. Parab
Designation: PA To Honourable Judge
Date: 19/10/2026 18:12:27