

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18963 OF 2024

Maya Sunil Singh & Ors. ... **PETITIONERS**

: VERSUS :

Gautam Jagannath Ghadge

and Ors. ... **RESPONDENTS**

WRIT PETITION NO. 3165 OF 2025

Dinbandhu Abhimanyu Sahu & Ors. ... **PETITIONERS**

: VERSUS :

Gautam Jagannath Ghadge

and Ors. ... **RESPONDENTS**

Mr. Jitendra B. Mishra with Nilu Mishra and Mr. Rupesh Dubey, for the Petitioner in WP-18963 of 2024.

Mr. O.P. Singh with Mr. Sanjay Yadav, for the Petitioner in WP-3165 of 2025.

Mr. Mandar Soman i/b. Ms. Minakshi Surve for Respondent Nos.1 to 4.

CORAM : SANDEEP V. MARNE, J.

DATED : 21 APRIL 2026.

P.C :

1) These petitions challenge the orders passed by the Appellate Bench of the Small Causes Court dismissing the Execution Appeals

preferred by the Petitioners and confirming the orders passed by the Trial Court by which the Obstructionist Notices have been made absolute.

2) As the hearing of the petitions progressed, Mr. Soman, the learned counsel appearing for the decreeholders, on instructions, makes a statement that the proceedings can be remanded for fresh decision by the Executing Court and for making an order of remand, no reasons be recorded. The remand is mainly necessary for the purpose of deciding the issue as to whether the Slum Notification dated 24 June 1976 would also cover land bearing C.T.S. No.359/1 to 12 or whether the Notification is only in respect of land bearing C.T.S. No. 359. A fresh inquiry, after granting opportunity to parties to lead evidence, is necessary to decide whether the land on which the suit premises are situated is declared 'slum' or not.

3) Accordingly, with the consent of the parties, the following order is passed :

(i) The orders dated 19 October 2024 passed by the Appellate Bench of the Small Causes Court in Execution Appeal Nos.9 of 2024 and 30 of 2024 are set aside.

(ii) Similarly, the order dated 22 December 2023 passed by the Small Causes Court in Obstructionist Notice No. 248 of 2016 is set aside.

(ii) Obstructionist Notice No. 248 of 2016 is restored on the file of the Court of Small Causes at Mumbai for fresh decision.

(iii) The Small Causes Court shall grant opportunity to the parties to lead additional evidence and decide Obstructionist Notice afresh on its own merits.

(iv) All rights and contentions of the parties are expressly kept open.

(v) The Small Causes Court is requested to decide the Obstructionist Notice No. 248 of 2016 as expeditiously as possible, preferably within a period of 6 months.

4) With the above directions, both the Writ Petitions are **disposed of.**

[SANDEEP V. MARNE, J.]