

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.15526 OF 2024

Amber Tours and Travels	...Petitioner
<i>Versus</i>	
Kamlesh Singh Harnamsingh Chowhan & Anr.	...Respondents

Mr. Siddhesh Bhole a/w. Mr. Ashwin Pimpale i/b. SSB Legal & Advsiory, for the Petitioner.
Mr. Vivek Kantawala a/w. Mr. Amey Patil and Mr. Manav Kantawala, for the Respondent No.1.

CORAM: MADHAV J. JAMDAR, J.
DATED : 24th FEBRUARY 2026

PC:-

1. Heard Mr. Bhole, learned Counsel appearing for the Petitioner and Mr. Kantawala, learned Counsel appearing for the Respondents.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the order dated 17th February 2024 passed by the learned Judge, Small Causes Court, Mumbai below Exhibit-117 in Rent Act Eviction (R.A.E.) Suit No.1533 of 2010 as also to the order dated 3rd September 2024 passed by the learned Appellate Bench of the

Small Causes Court in Revision Application No.120 OF 2024 in Exhibit-117 in R.A.E. Suit No.1027/1533 of 2010.

3. After arguing the matter for some time, both the learned Counsel submit that by consent, the following order be passed:

ORDER

(a) By consent, the order dated 17th February 2024 passed by the learned Judge, Small Causes Court, Mumbai below Exhibit-117 in Rent Act Eviction (R.A.E.) Suit No.1533 of 2010 as also the order dated 3rd September 2024 passed by the learned Appellate Bench of the Small Causes Court in Revision Application No.120 OF 2024 in Exhibit-117 in R.A.E. Suit No.1027/1533 of 2010 are quashed and set aside.

(b) The Petitioner i.e. the Defendant No.2 -Amber Tour and Travels, a proprietary concern of Yogesh Manharlal Damania is permitted to file affidavit of

evidence dated 17th February 2024 along with the documents. The same be done on or before 26th February 2026, which is the next date before the learned Trial Court.

- (c) The learned Trial Court to thereafter, proceed in the suit in accordance with law, including marking of documents produced in the evidence of said Yogesh Manharlal Damania and thereafter allow the Respondent No.1 i.e. the original Plaintiff to cross-examine witness-Yogesh Manharlal Damania.
- (d) It is directed that said Yogesh Manharlal Damania shall remain present on each and every date as fixed by the learned Trial Court for conducting his cross-examination.
- (e) The Petitioner shall pay aggregate cost of Rs.1,00,000/- to the Respondent No.1. The Petitioner has already deposited an amount of Rs.50,000/- in

this Court. The Respondent No.1 is permitted to withdraw the same.

(f) The learned Counsel appearing for the Petitioner has handed over a cheque for the balance amount of Rs.50,000/- issued in favour of the Respondent No.1.

(g) As the suit is of the year 2010, the learned Trial Court is requested to dispose of the said suit expeditiously.

4. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

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