

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.443 OF 2025

Romualdo D'souza	...Applicant
<i>Versus</i>	
Roozbeh Mundegar Aga	...Respondent

Mr. Suhas S. Deokar, for the Applicant.
Mr. V. Y. Sanglikar a/w. Ms. Archana D. Gaware, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 17th SEPTEMBER 2025

PC:-

1. Heard Mr. Deokar, learned Counsel appearing for the Applicant and Mr. Sanglikar, learned Counsel appearing for the Respondent.

2. As Mr. Deokar, learned Counsel appearing for the Applicant has pointed out that certain evidence has not been taken into consideration by the learned Appellate Court, Mr. Sanglikar, learned Counsel appearing for the Respondent, on the instructions of the Respondent, who is personally present in Court states that by consent of the parties, the impugned Judgment and Decree of

the learned Appellate Court be set aside and the matter be remanded back to the learned Appellate Court.

3. Accordingly, by consent of the parties, the following order is passed:

ORDER

- (a) The impugned Judgment and Decree dated 5th May 2025 passed by the learned Appellate Court of Small Causes Court, Mumbai in Appeal No.22 of 2022 is quashed and set aside and the said Appeal is remanded to the learned Appellate Court.
- (b) Learned Appellate Court is requested to dispose of the said Appeal afresh within a period of six months from today.
- (c) It is made clear that the stay to the impugned Judgment and Decree of the learned Trial Court shall remain in operation during the pendency of the Appeal, if the Applicant complies with the order dated 21st July 2022 passed by the learned Appellate Court below Exhibit-6 in Appeal No.22 of 2022.

4. Mr. Deokar, learned Counsel appearing for the Applicant states that there are no arrears as directed by said order dated 21st July 2022. Mr. Sanglikar, learned Counsel appearing for the Respondent disputes the said statement. Mr. Deokar, learned Counsel, on the instructions, states that if any arrears are there, the same will be deposited before the learned Trial Court within a period of 15 days from today.

5. It is specifically made clear that, if arrears as per the order dated 21st July 2022 are not deposited within a period of 15 days, then the Respondent is at liberty to execute the decree of the learned Trial Court.

6. It is further clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

7. Accordingly, the Civil Revision Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

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