



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1222 OF 2026

Ms. Laleh Ardeshir Dubash and Ors.

...Petitioners

V/s.

Swaraj Shrikumar Hate and Ors.

...Respondents

Mr. Vijay Rajput *for the Petitioners.*

Mr. Shivraj Patne *for the Respondent Nos.1 and 2.*

CORAM: SANDEEP V. MARNE, J.

DATED: 24 APRIL 2026.

P.C.:

1) Petition is filed with a limited grievance that the R.A.E. & R. Suit No.407 of 1998 and T.E. Suit No.139 of 2009 be assigned to the same Judge since both the Suits relate to the same suit premises and same parties.

2) Though the Petition is filed by Defendant Nos.4 to 6, Plaintiffs have also joined in the request for clubbing of both the Suits before the same Court. No doubt, R.A.E. & R. Suit No.407 of 1998 is filed under the provisions of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 and is premised on an assertion that the suit premises are protected by rent control legislation. On the other hand, T.E. Suit No.139 of 2009 is instituted on a premise that there is no rent control protection

in respect of the suit premises. The learned Principal Judge is not entirely wrong in declining the request of the Petitioner. However, it is seen that the request of the parties is not for clubbing of both the Suits or hearing them together. All that is contended that the suits be assigned to the same court. Request appears to be reasonable. In my view, therefore, it would be appropriate that both the Suits are assigned to the same Judge

3) The Principal Judge, Small Causes Court shall accordingly proceed to assign R.A.E. & R. Suit No.407 of 1998 and T.E. Suit No.139 of 2009 to the same court. To this limited extent order dated 19 November 2025 is set aside.

4) Writ Petition is allowed in above terms. There shall be no orders as to costs.

[SANDEEP V. MARNE, J.]

Note: The order is corrected vide order dated 5 May 2026.