



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5389 OF 2026

Deepak Ghanshyam Singh and Anr.

...Petitioners

V/s.

Anand Co-operative Consumers
Society Ltd.

...Respondent

Mr. Rajesh G. Singh *i/b. Ms. Rutika Mody for the Petitioners.*

CORAM: SANDEEP V. MARNE, J.

DATED: 24 APRIL 2026.

P.C.:

1) Petition challenges order dated 10 April 2026 passed by the learned Judge of Small Causes Court, Mumbai, issuing witness summons to Health/ Medical Officer, Public Health Department, Municipal Corporation of Greater Mumbai (**MCGM**).

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

3) It is the contention of the Petitioners that the Suit is filed seeking declaration of tenancy and that therefore the issue of cause of nuisance by the alleged conductor is not the scope of enquiry in the Suit. It is submitted that Defendants in their written statement have not raised the

issue of nuisance. However, perusal of the written statement indicates that the Defendant-Society has emphatically taken a defence that the Plaintiffs are not using the suit property and has sublet the same to a conductor. To prove presence of conductor in the suit property, the Defendants want to lead evidence of Health /Medical Officer of the MCGM, who had conducted inspection on 23 December 2019. In that view of the matter no interference is warranted in the order dated 10 April 2026. Filing of the Petition is gross abuse of process of law.

4) Writ Petition is accordingly **dismissed**.

[SANDEEP V. MARNE, J.]