

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.27 OF 2026

Hanoz Rihinton Anklesaria	...Applicant
<i>Versus</i>	
Aspy Nariman Karani & Ors.	...Respondents

Mr. Vasim Siddiqui, for the Applicant.
Mr. Nigel Quraishy a/w. Mr. Dushyant Krishnan, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.
DATED : 22nd JANUARY 2026

PC:-

1. Heard Mr. Siddiqui, learned Counsel appearing for the Applicant and Mr. Quraishy, learned Counsel appearing for the Respondents.

2. By the present Civil Revision Application, the challenge is to the legality and validity of the order dated 8th January 2026 passed by the learned Appellate Court in Revision No.271 of 2024 in Exhibit-31 in R.A.D. Suit No.1160 of 2021. By the impugned order, the Revisional Court set aside the order dated 5th March 2024 passed below Exhibit-31 in R.A.D. Suit No.1160 of 2021 passed by

learned Judge, Small Causes Court, Mumbai by which the said application bearing Exhibit-31 in R.A.D. Suit No.1160 of 2021 has been allowed. Consequently the plaint in R.A.D. Suit No.1160 of 2021 stands rejected.

3. It is the submission of learned Counsel appearing for the Applicant that the plaint cannot be rejected for many reasons. He submits that prayer clauses (b) and (c) are regarding declaration and injunction and the same are *inter alia* on the basis that the Applicant is in possession of the suit property. Apart from that, learned Counsel points out the various contentions raised in the plaint including the amended plaint.

4. On the other hand, learned Counsel appearing for the Respondents submitted that the plaint is rightly rejected by the learned Revisional Court by order dated 8th January 2026.

5. However, after arguing the matter for some time, Mr. Quraishy, learned Counsel appearing for the Respondents-Landlords submits that he has instructions to withdraw the said application being Exhibit-31 in R.A.D. Suit No.1160 of 2021 filed

under Order VII Rule 11 seeking rejection of the plaint. Accordingly, both the learned Counsel submit that the following order be passed by consent of the parties:

ORDER

- (a) Accordingly, the said application being Exhibit-31 in R.A.D. Suit No.1160 of 2021 is allowed to be withdrawn by the Respondent-Landlords and consequently order dated 5th March 2024 passed by the learned Judge of the Small Causes Court, Mumbai below Exhibit-31 in R.A.D. Suit No.1160 of 2021 do not survive as also the order dated 8th January 2026 passed by the learned Revisional Court in Revision No.271 of 2024 also do not survive. Accordingly, both these orders are quashed and set aside. Resultantly, the said Exhibit-31 application in R.A.D. Suit No.1160 of 2021 is allowed to be withdrawn and dismissed as such.

- (b) By consent, it is directed that the Applicant's suit for eviction bearing R.A.E. Suit No.1160 of 2021 and the Respondent's suit bearing R.A.D. Suit No.682 of 2024 be clubbed and heard simultaneously.
- (c) Both the parties agree that they will lead common evidence in both the above mentioned suits.
- (d) The Respondents are at liberty to file additional written statement in R.A.D. Suit No.1160 of 2021 pursuant to the amendment of the plaint. The said additional written statement be filed within a period of four weeks from today.
- (e) In the facts and circumstances, learned Trial Court is requested to expeditiously dispose of R.A.D. Suit No.1160 of 2021 and R.A.E. Suit No.682 of 2024 and shall make an endeavour to dispose of the same on or before 31st December 2027.

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

6. The Civil Revision Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

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