

ITEM NO.3

Court 4 (VC)

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.8226/2020

(Arising out of impugned final judgment and order dated 24-02-2020 in WP No. 10692/2019 passed by the High Court of Judicature at Bombay)

BHAGWAN CHATERBHOJDAS BHATIA

Petitioner(s)

VERSUS

NIRAJ WISHWANATH KOCHHAR & ORS.

Respondent(s)

(With appln.(s) for interim relief and exemption from filing c/c of the impugned judgment)

Date : 29-07-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Mr. Gaurav Agrawal, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 The High Court while granting Rule on Writ Petition No 10692/2019 also granted Rule on interim relief which was returnable on 27 March 2020. In the meantime, ad-interim relief was granted in terms of the prayer clause (c), thereby staying the hearing of the suit. Due to the lockdown, the proceedings have not been heard.

- 2 Mr Gaurav Agarwal, learned counsel appearing on behalf of the petitioner submits that as a result the suit which has been filed by the landlord on the ground of bona fide requirement has been stayed. Mr Agarwal submits that the short question which arises in the proceedings before the High Court is whether Defendants 1(b) and 1(d) to the suit have the right to cross-examine Defendant 1(a) and hence it would be appropriate if the writ petition is disposed of expeditiously by the High Court.
- 3 At this stage, since the proceedings are pending before the High Court, we are not interfering in the exercise of our jurisdiction under Article 136 of the Constitution on merits. However, we leave it open to the petitioner to move the High Court, either for vacating the stay or if it is convenient for the High Court to do so, to hear the writ petition itself since a short question is involved.
- 4 We are sure that the High Court will take a considered view of the matter on whether to list the writ petition for hearing having regard to the fact that the landlord has filed a suit on the ground of *bona fide* requirement. The High Court has earlier directed the disposal of the suit by 31 December 2018.
- 5 Subject to the aforesaid, the Special Leave Petition is disposed of.
- 6 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER