



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 197 OF 2016**

1. Smt. Jyoti Suresh Patel and ..Applicants
Ors

Vs

Rajkumar Vishandas Chhabaria,
since deceased, Mrs .. Respondent
Hansakumari Rajkumar
Chhabaria

Mr. P.N.Shah, Advocate for Applicants.
Mr.P.S.Dani, Senior Advocate a/w Ms. S. Sheth, Ms F.Behram Kadin
and Mr. Sahil Bijliwala i/b Ms F & B Associates, Advocates for
Respondent.

CORAM : R.G.KETKAR,J.
DATE : 06/10/2016

PC:

1. Heard Mr.P.N.Shah, learned counsel for the applicants and Mr. P.S.Dani, learned senior counsel for the respondent at length.
2. By this application under Section 115 of the Code of Civil Procedure, 1908 (for short, 'C.P.C. '), the applicants, hereinafter referred to as 'plaintiffs', have challenged the Judgment and decree dated 16.10.2015 passed by the Appellate Bench of the Small Causes Court in (A-1) Appeal No. 6 of 1997. By that order, the Appellate Court allowed the appeal preferred by the respondent, hereinafter referred to as 'defendant', and quashed and set aside the Judgment and decree dated 7.11.1996 passed



by the learned Judge presiding over Court Room no.9 of Small Causes Court at Bombay in R.A.E. & R. Suit No.137/531 of 1978 and dismissed the suit. The learned trial Judge has decreed the suit under section 13(1)(g) of the Bombay Rents Hotel, Lodging and House Rates Control Act, 1947. As against this, the Appellate Court negatived the ground under section 13(1)(g) and dismissed the suit. Fairly arguable case is made out. Hence, Rule. M/s F.& B. Associates waive service. Call for R. & P. Hearing is expedited.

(R.G.KETKAR, J.)