

ITEM NO.42

COURT NO.11

SECTION IX

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3321 OF 2005

(From the final judgement and order dated 04/10/2004 in SA No. 491/2004
of The HIGH COURT OF BOMBAY)

RUBAB DILAWAR HASAN ALI HEMANI

Petitioner

(s)

VERSUS

ABDUL RAHIMAN ABDUL R.KATALARIWALA & ORS

Respondent

(s)

(With prayer for interim relief)

Date: 28/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s) Mr. Vinay Navare, Adv.

Mr. Naresh Kumar, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Counsel for the Petitioner contends that the Appellate Court misdirected itself in applying to the facts of this Case the provisions of Section 13 A 2 of the Bombay Rent Act, 1947, since the same is applicable only to the premises let out for residential use. In the instant case it is his submission that the premises were given to the petitioner for being used as a shop.

Issue notice.

In the meantime, there shall be stay of the dispossession.

(SUKHBIR PAUL KAUR) (VIJAY DHAWAN)
COURT MASTER COURT MASTER

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