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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.3676 OF 2026

IN

WRIT PETITION NO.1045 OF 2010

Asha Anil Gachke

.. Applicant

IN

Jaffer Suleman Musafirkhana Trust and Ors.

.. Petitioners

Versus

The State of Maharashtra and Anr.

.. Respondents

.....

- Ms. Asha Anil Gachke, Applicant in-person.
- Mr. Shrinivasan Mudaliar, Advocate i/by Federal & Company for Petitioner No.3.

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 19, 2026.

P.C.:

1. Heard Ms. Gachke, Applicant in-person and Mr. Mudaliar, learned Advocate for Petitioner No.3.

2. The learned advocate has filed a review Application seeking review of the judgement dated 17.09.2026 passed in Criminal Petition No.1045 of 2010 along with Interim Application No.2244 of 2026. The learned Applicant is a person and she is an Advocate of this Court. There is ongoing litigation of the Applicant in the Small Causes Court with regard to prosecution of an obstructionist notice and evidence and witness action is led over there. One of the grievance expressed by the Review Petitioner is that all her submissions with regard to inventory

and the articles which were confiscated and lying in the subject suit room have not found mentioned in the order. I clarify that that was not the domain of this Court. Nevertheless all contentions of the Review Petitioner are otherwise expressly kept open in the obstructionist suit proceedings which are prosecuted by her in the Small Causes Court including that of all the objects which were taken in inventory in front of all such persons who were present at the time of taking such inventory.

3. I also further clarify that by virtue of this judgment, any observation made with regard to the factual circumstances will not come in the way of the Review Petitioner when she prosecutes her obstructionist notice with regard to her entitlement to the suit room and premises in accordance with law.

4. The mention of the facts in the present case is fairly with regard to indiction of the Trustee of the Trust who is the landlord of the building where the Suit room is situated. It needs to be understood that the said Trust is a subsequent purchaser and in law of tenancies of the occupants / tenants get attorned to the new landlord. This Court is not concerned with determination of the substantive right of the Review Petitioner as a sublettee or sub-tenant. Nevertheless it is clarified that the present judgement dated 17.09.2026 pertains to challenge to the order dated 16.11.2009 passed by the Metropolitan

Magistrate with regard to issuance of process only and only in that regard the findings which are rendered are on the basis of the material placed before the Court. None of these findings affect the substantive right of the Review Petitioner as also all the parties concerned with the present proceedings before the Small Causes Court.

5. With the above observations, Interim Application which is filed as a Review Application for modification of the order dated 17.09.2026 stands disposed.

[MILIND N. JADHAV, J.]

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