

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3306 OF 2015

Sanjay B. Sutar & Ors. .. Petitioners
vs.
Gulab H. Ladkat & Ors. .. Respondents

Mr. Nitin Deshpande for Petitioners.

CORAM : M. S. SONAK, J.
DATE: 30 MARCH 2015

P.C. :-

- 1] **Not on Board. Upon production, taken on board.**
- 2] There is no reason to interfere with the impugned order 11 March 2015, which incidentally is a common order below Exhibits 60, 61 and 62 in Darkhast No. 10 of 1993, at this stage.
- 3] This is because in case the obstructionists proceedings are decided against the petitioners under Order 22 Rule 97 of the CPC, there is provision to prefer appeal on the basis that such determination is a decree. In the event, there is occasion for the petitioners to prefer an appeal against such final determination, it shall always be open to the petitioners in the said appeal to question the impugned order dated 11 March 2015. Such issue is accordingly kept open for decision in the appeal, should an occasion arise to file one.
- 4] With the aforesaid observations, the present writ petition is disposed of. There shall be no order as to costs in this petition.