

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5327 OF 2015

Kishore K. Keswani & Anr.	..	Petitioners
VS.		
Jawala Singh Grewal	..	Respondent

Mr. A. M. Kulkarni for Petitioners.
Mr. R. B. Pardeshi and Mr. A. M. Khare for Respondent.

CORAM : M. S. SONAK, J.
DATE : 05 AUGUST 2015

P.C. :-

1] The two Courts have declined interim relief to the petitioners restraining the respondent from evicting him from the suit premises otherwise than by due process of law.

2] The learned counsel for the respondent points out that the respondent had already instituted the Case No. 7 of 2014 before the Competent Authority seeking eviction of the petitioners in accordance with law. In pursuance thereof, by order dated 17 July 2015, the Competent Authority has already made an eviction order. Further the petitioners have instituted Appeal No. 343 of 2015 before the Additional Commissioner, Konkan Division, Mumbai against the eviction order dated 17 July 2015 and ad interim stay has also been obtained therein.

3] In view of the aforesaid development, there is no necessity to interfere with the impugned orders. In fact, this petition is rendered infructuous and is disposed of accordingly.

4] It is however made clear that the Appellate Authority, to decide the appeal instituted by the petitioners on its own merits and in accordance with law uninfluenced by any observations made in the order made in this petition, which in any case, were *prima facie* observations. Accordingly, all contentions of parties are kept open to be decided by the Appellate Court in the aforesaid Appeal.

5] This petition is disposed of in the aforesaid terms.

(M. S. SONAK, J.)

Chandka