

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4031 OF 2015

Smt.Aayshabibi Sayyad Ahmad Kadri and others. ... Petitioners.
V/s.
Shri Sayyad Mohd. Shah Abdul Hamid Kadri
and others. ... Respondents.

M.S.Karnik i/b. J.M.Joshi for the petitioners.

Nikhil R. Vidwans i/b. Rohit Sakhadeo for respondent Nos.2 to 4.

V.C.Ghosalkar for respondent No.6.

**CORAM : NARESH H. PATIL AND
V.L. ACHLIYA, JJ.**

DATED : 6th May 2015.

PC.

Heard.

2. The petitioner prays that necessary direction be issued to the trial Court to decide their application at Exh.5 in Special Civil Suit No.511/2010 pending before the Civil Judge, Senior Division, Panvel. The learned counsel appearing for the respondent- Bank submits that execution proceedings in respect of subject property is already initiated. Action under section 13(4) is already taken. Possession is taken over by the Bank. The petition is pending in the Apex Court. Learned counsel

further submits that suit filed by the petitioners is pending for last five years. The petitioners have not obtained any order from the civil Court purposely. It is submitted that appropriate remedy is available which the petitioners have already resorted to.

3. Considering the material placed on record and the submissions advanced, we are not inclined to exercise our extra ordinary writ jurisdiction. The petitioners may resort to appropriate remedy as may be available in law. The petition is dismissed. It is made clear that dismissal of this petition shall not affect the merits of case of either of the parties.

(VL. ACHLIYA, J.)

(NARESH H. PATIL, J.)

Sanjay Nanoskar, PS..