

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6863 OF 2013

Rosalind Fernandes @ Reema Kishan
Jadhav .. Petitioner
vs.
Ivor Salvador Viegas .. Respondent

Mr. Omkar K. Shaikh for the Petitioner.
Mr. Kushal Shukla for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 23 JUNE 2015.

P.C. :-

- 1] Not on board. Upon production, taken on board.

- 2] This petition in its prayer clause (b) challenges the order dated 4 February 2009 and 17 August 2012, by which the learned Small Causes Court has granted an injunction against the petitioner restraining from parting with possession or creating any third party interest in the suit premises. The learned counsel for the petitioner states that the petitioner does not press this relief in this petition. Even otherwise, there is no reason to interfere with the impugned orders, inasmuch as the relief granted, is almost of a routine nature. The interim injunction, merely restrains the petitioner from parting with possession of the suit premises or creating any third party interest therein. Accordingly, the relief in terms of prayer clause (b) is declined.

3] This petition, in its prayer clause (c) challenges the order dated 26 July 2011 made by the Appellate Bench of the Small Causes Court dismissing the petitioner's application at Exhibit-16 to the effect that the suit as instituted by the respondent is required to be assigned number for the year 2008 and not for the year 1996. The records disclose that the suit was initially instituted in the year 1996 in the Small Causes Court. Thereafter, the plaint was returned to be presented before the City Civil Court. Again, the City Civil Court some time in the year 2008 returned the plaint for presentation before the Small Causes Court. It is in these circumstances that the suit has been assigned the number for the year 1996. This is obviously, an administrative matter. In any case, the petitioner cannot have any vested rights in insisting that the suit should be assigned the number for the year 2008, so that there is further delay in the disposal of the suit. The writ jurisdiction of this Court is neither to be invoked nor to be exercised for such purposes. This petition is misconceived and is therefore, dismissed. Further considering that the proceedings before the Small Causes Court relate to the year 1996, the Small Causes Court is directed to dispose of the same as expeditiously as possible and in any case within a

period of one year from today from the production of an authenticated copy of this order.

4] The petitioner to produce an authenticated copy of this order before the Small Causes Court.

5] Parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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