

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.10400 OF 2014

Mr. Kanakraj Babulal Jain.] ... Petitioner

Versus

Mr. Chimanram Lalaram Choudhray.] ... Respondent

Mr. Rajesh Bane for Petitioner.

CORAM :- M. S. SONAK, J.

DATE :- JULY 02, 2015

P. C. :-

1. Heard the learned Counsel for Petitioner. There is no necessity to interfere with the impugned order which merely restrains the Petitioner from dispossessing/evicting the Respondent from the suit premises without following the due process of law. During the pendency and final disposal of R.C.S. No.130/2014 pending before the 4th Joint Civil Judge Junior Division, Vashi, the impugned order imposes certain conditions upon the Respondent.

2. The learned Counsel for Petitioner, however, apprehends that on the basis of the impugned order, the trial Court i.e. 4th Joint Civil Judge Junior Division, Vashi, may proceed to regard the Respondent as the tenant of the suit premises. Such apprehension has

no basis. It is settled position in law that the observations made at the stage of grant of interim relief are not to be taken into consideration at the stage of final disposal of the suit when the parties have led their evidence in the matter.

3. Accordingly, this petition is dismissed. However, it is clarified that the trial Court will not be influenced by the observations made in the impugned order at the stage of finally deciding the suit. Further, the proceedings in the suit are ordered to be expedited.

4. With these observations, this petition is disposed of.

(M. S. SONAK, J.)