

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4146 OF 2015
Ravindra Ramasa Chaware Vs. Biharilal Nanhulal Vaishya & Ors.

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri S. R. Deshpande Adv for petitioner.

CORAM: A.S.CHANDURKAR J.

DATED: 02nd DECEMBER, 2015.

The petitioner herein is aggrieved by the order passed by the trial Court refusing permission to demolish the building in question. The application seeking said relief was filed under Section 151 of the Code of Civil Procedure. The suit as filed is for eviction and possession on the basis of permission being granted by the Rent Control authorities for issuing quit notice. Hence, considering the relief as sought in the suit the rejection of the application by the trial Court cannot be faulted. Hence, there is no reason to interfere in writ jurisdiction.

However, the observations made in paras 8, 9 and 11 of the impugned order shall not come in the way of the petitioner

when the suit is decided on merits.

Considering the fact that the suit has been filed in the year 2000 and has been pending for almost fifteen years, the trial Court is directed to decide the same expeditiously by the end of April 2016. Petition is disposed of.

JUDGE

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