

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST.) NO. 13682 OF 2016

Ijhaar Abdul Jabbar Ansari	.. Petitioner
Versus	
Haji Mohammad Sami Khan	.. Respondent

Mr. D.R. Singh i/b R.B. Singh and Associates, Advocate for the Petitioner.
Mr. A.S. Sayyed, Advocate for the Respondent.

**CORAM : P.D. NAIK, J.
VACATION COURT**

DATED : 13 MAY, 2016.

PC. :-

1 Heard the learned advocate for the petitioner and the learned advocate for the respondent.

2 The advocate for the petitioner pointed out that he has filed a suit before the Court of Civil Judge, Junior Division at Vasai. The suit has been lodged but the same has not been registered. Hence, the petitioner has preferred an application on 02.05.2016 seeking permission to register the suit. The learned Judge passed an order on 02.05.2016 with an observation that there is no urgency shown by the petitioner to register the matter on urgency basis. The learned advocate for petitioner states that

the petitioner intends to move before the learned Court for injunction. However, since registration of suit has not been allowed, the petitioner could not exhaust the remedy. This Petition has been opposed by the advocate for the respondent. He submitted that there is no urgency in the said proceeding and, therefore, the Court refused the registration. It is pertinent to note that the registration of the suit does not amount to grant of any interim order. After registration, if the petitioner prefers any application in proceedings seeking interim relief, the Court may deal it in accordance with law.

2 In view of the aforesaid circumstances, the Civil Judge, Junior Division, Vasai, is directed that the suit filed by the petitioner i.e. R.C.S. Suit (Stamp) No.456 of 2016 may be allowed to be registered. It is however clarified that this Court has not made any observations with regard to the urgency or the merits of the case.

3 The Petition stands disposed of.

(PD. NAIK, J.)