

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

**WRIT PETITION NO.5486 OF 2014
WITH
WRIT PETITION NO.5487 OF 2014
WITH
WRIT PETITION NO.5488 OF 2014
WITH
WRIT PETITION NO.5489 OF 2014**

Dhirajlal Raishi Chheda

...Petitioner

vs

Smt. Mithiben Raishi Chheda

...Respondent

Mr.V. Y. Sanglikar a/w Mr. Dipen Furia i/b M/s Shah & Furia Associates for the Petitioner in all the Petitions.

Dr. Abhinav Chandrachud i/b Mr. Jatin Sheth for Respondent No.2 in all the Petitions.

CORAM : N.M.JAMDAR, J.

DATE : DECEMBER 13, 2016.

P.C.:

. Learned counsel for the Petitioner states that as directed by the impugned order the Petitioner is not averse to join Respondent No.2 as a party in the proceeding pending before the Trial Court. Learned Counsel for Respondent No.2 however submits that there are various observations made in the impugned orders regarding the right and entitlement of the parties in the suit premises, which will affect the final outcome of the pending proceedings. All contentions of the parties, as regards, which provision of the Code of Civil Procedure, amendment is carried out are also kept open to be decided in the suit.

2. Learned counsel for the petitioner as well as the Respondent agree that these observations have been made in the interlocutory proceedings and, therefore these observations will have to

be considered as prima facie.

3. In that view of the matter apprehension expressed by the learned counsel for the petitioner is unwarranted.

4. All contentions of the parties are kept open and the proceedings will be decided on their own merits.

5. No interference is thus warranted. Writ petitions are accordingly disposed of, with above clarification.

(N.M.JAMDAR, J.)