

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

WRIT PETITION NO. 8101 OF 2013

Mr. Salim Suleman Sheikh

... Petitioner

Vs

Farhanaz Salim Shaikh & Anr.

... Respondents

...

None for the petitioner.

CORAM : M. S. SONAK, J.

DATE :20 AUGUST, 2016

P.C. :

1. On 22nd December 2015, this Court made the following order.

“1. Rule.

2. After the notice of rule is served upon the respondents, the petitioner shall be at liberty to apply for expeditious hearing.

3. By the impugned order dated 10/05/2013, the petitioner has been restrained from evicting the respondents from the suit flat, pending final decision in Petition No.B-92 of 2012 pending before the Family Court at Bandra. At this stage, it will not be appropriate to grant an interim order because on the basis of the same the petitioner might attempt to evict the respondents from the suit flat. Accordingly, interim relief is denied.

4. It is, however, made clear that pendency of this petition shall not hinder the Family court from proceeding to dispose of Petition No.B-92 of 2012 finally on its own merits and in accordance with law. In fact, the Family Court at Bandra is directed to do so.

5. Further, in deciding the matter finally, the Family court is directed not to do influenced by any of the observations in the impugned order made at the interim stage.”

2. Today, when the matter is called out, neither the Petitioner nor his Advocate are present.

3. Considering the direction given in paragraph 4 of the aforesaid order dated 22nd December 2015, it is possible that the main petition No. B-92/2012 has already been disposed of and therefore, neither the Petitioner nor his Advocate are present today or interested in pursuing this matter. In any case, the Petition No. B-92/2012 must be at an advanced stage. As such, there is no point in interfering with the interim order which is impugned in the present petition.

4. The Family Court at Bandra, is once again directed to dispose of Petition No. B-92/2012 finally and on its own merits within a period of four months from today, if such petition has not been already disposed of. However, it is once again clarified that in disposing of the impugned petition on merits and in accordance with law, the Family Court ought not to be influenced by any observation made in the order, which is impugned in the present petition.

5. With the aforesaid directions, the present petition is disposed of. There shall be no order as to costs.

6. Registry is directed to send an authenticated copy of this order

to the Family Court at Bandra, taking up Petition No. B-92/2012 within a period of 2 weeks from today.

7. All concerned to act on the basis of the authenticated copy of this order.

(M. S. SONAK, J.)