

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

WRIT PETITION NO.9555 OF 2015

Krishna Yashwant Umredkar : Petitioner.
versus
Mrs.Chitra w/o Krishna Umredkar : Respondent.

Mr. Sachin Chavan for the Petitioner.
Mrs. Chitra K Umredkar – Respondent present.

CORAM : R. M. SAVANT, J.
DATE : 16th November 2016

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 29/04/2015 passed by the learned Judge of the Family Court No.6, Mumbai by which order the application (Exhibit 19) filed by the Petitioner in the proceedings for possession being B-58 of 2014 in the Family Court at Mumbai came to be rejected.

2 The Petitioner had filed a Petition for divorce which has been dismissed which has given rise to the filing of a Family Court Appeal in this Court. The said Family Court Appeal is pending. The Petitioner had filed the instant proceedings being B-58 of 2014 for possession of the residential premises which is in occupation of the Respondent. In the said proceedings the Petitioner had filed the instant application (Exhibit 19) inter alia for the relief

that the Respondent herein be restrained by an order of this court from selling, alienating, creating any third party rights in respect of the said residential premises. The Petitioner has also sought the relief that the Respondent be restrained by an order of this Court from applying to any authority, the Anandilal Podar Trust and/or in any other manner entering her name in any of the records in respect of the suit property.

3 The said application has been rejected by the learned Judge of the Family Court by the impugned order dated 29/04/2015. The rejection is inter alia on the ground that the Petitioner is not the owner of the property but is the tenant, that the premises are in occupation of the Respondent who has an injunction in her favour in Petition No.B-58 of 2014 which order has not been challenged by the Petitioner. The learned Judge found the allegations made by the Petitioner in the said application being misfounded.

4 The learned counsel for the Petitioner would contend that the rent receipt is in the name of the Petitioner.

5 In my view, having regard to the aforesaid facts, the reliefs sought by the Petitioner vide the said application (Exhibit 19) have been rightly rejected by the learned Judge of the Family Court No.6 Mumbai as the apprehension of the Petitioner appears to be misfounded. In my view, no

interference is called for with the impugned order. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]