

JPP

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

WRIT PETITION NO. 9502 OF 2016

Smt. Salma Munshi Abdul Rashid Ansari & Ors. ... Petitioners.

V/s.

Mr. Chandrakant Yashwant Vaity (deceased)
Through his legal heirs & Ors. ... Respondents.

Ms. Neeta Karnik for the Petitioners.

Mr. S.M. Oak a/w. Sagar Joshi for Respondents 5 & 6.

Mr. Rohit Sakhadeo for Respondent 7.

CORAM : N.M. Jamdar, J.

20 September, 2016.

Oral Order :-

On 6 September 2016 following order was passed :-

“ After hearing the matter for some time, since it requires adjudication of various factual issues, it was submitted by the learned counsel for the parties whether the application below Exhibit 5 could be decided on its own merits. The learned Counsel for the parties inform that the hearing of

application below Exhibit 5 is on 8 September 2016. The learned Counsel for the parties undertake that they will not seek any adjournment on that date and proceed to address the Court on merits. The learned Civil Judge, Thane will accordingly give priority to the disposal of the application on that date. Stand over to 20 September 2016 for 'directions'."

2. The learned Counsel for the parties state that the learned Judge has heard the matter on Exhibit 5 and has kept the matter on board today. As far as the present Petition is concerned, the learned Counsel for the Petitioners submitted that the challenge in this Petition is necessary to be pursued in view of the contempt proceedings taken out by the Petitioners. Since the Suit is pending and the application below Exhibit 5 is to be decided soon, no purpose will be served by keeping the Petition pending. As far as the interlocutory orders in the contempt petition has been taken out by the Petitioners, they can be kept open to be considered in the pending proceedings. As regards the other arguments regarding the grant of injunction are concerned, the Petitioners can always advance them in the Appellate proceedings from the decision under Exhibit 5.

3. Since all the contentions that have been raised in this Petition are left open in the respective proceedings which will arise in future from the orders passed below Exhibit 5 and also in

Contempt Petition, the Petitioners are not prejudiced by disposal of the Petition. Keeping all contentions open, the Writ Petition is accordingly disposed of.

(N.M. Jamdar, J.)