

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 8731 OF 2015

SUPRABHAT TEXTILES PVT. LTD.
THROUGH ITS DIRECTOR
MR. HARISH PATEL

...Petitioner

Versus

MR. ASHOK RAMANLAL SHAH

...Respondent

....

Mr. Pradeep S. Gole, Advocate for the Petitioner.

Mr. Balwant V. Salunkhe, Advocate for the Respondent.

....

CORAM : R. G. KETKAR, J.

DATE : 27th JANUARY, 2016

P.C.

1. Heard Mr. Pradeep Gole, learned Counsel for the petitioner and Mr. Balwant Salunkhe, learned Counsel for the respondent, at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 9.6.2015 passed by learned Jt. Civil Judge, Senior Division, Satara below Exhibit-79 in Special Civil Suit No.31 of 2013. By that order, learned trial Judge issued summons to witness Mahesh Mahadeo Jadhav for cross-examination.

3. Mr. Gole submitted that the respondent, hereinafter referred to as 'plaintiff', has filed the Suit for recovery of possession of the property more particularly described in paragraph-1 of the plaint, against the petitioner, hereinafter referred to as 'defendant'. During pendency of the Suit, the plaintiff took out an application for injunction restraining the defendant from creating third party interest.

4. During pendency of the Suit, the plaintiff also took out application Exhibit-79 for issuing witness summons to Mahesh Mahadeo Jadhav who has filed affidavit on behalf of the defendant.

5. Mr. Gole upon taking instruction from the petitioner-defendant makes a statement that during pendency of the Suit, he will not create third party interest. The statement made on instructions by Mr. Gole is accepted in the form of an undertaking to the Court.

6. In view thereof, Mr. Salunkhe does not press application at Exhibit-5 as well as application at Exhibit-79. Application at Exhibit-5 stands allowed in terms of the

statement made by the defendant as recorded hereinabove. The plaintiff shall produce an authenticated copy of this order before the trial Court for passing formal orders on applications at Exhibit-5 and Exhibit-79. Writ Petition is disposed of in above terms. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)