

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10053 OF 2014**

Mrs. Ashwini Sandeep Yalgi

... Petitioner

vs.

The State of Maharashtra & anr.

... Respondents

Mr. Anand Mishra i/by Ashok Saraogi, Advocate for the petitioner.

Mr. Ramchandra Yadav, Advocate for respondent no.2.

Coram : Smt. R. P. SondurBaldota, J.

Date : 4th August, 2016.

P.C. :

1. This petition challenges the order dated 6th August, 2014, by which the Family Court partly allowed the application filed by the petitioner wife for restraining the respondent from evicting her from the suit premises. The application was filed by the petitioner in the suit filed by the respondent for a mandatory order directing the respondent to remove herself from the suit premises and to injunct her from disturbing his possession over the suit premises and also causing disturbance at his place of service.

2 The petitioner had expressed an apprehension in her application that she may be forcibly dispossessed from the suit premises and that the respondent is likely to create third party

interest in the suit premises to seek two interim reliefs. Firstly to protect her possession of the suit premises and secondly to save the premises from sale by the respondent. The Family Court held that since the petitioner himself is the owner of the suit premises, he cannot be restrained from entering into a sale transaction in respect of the same. However, in such eventuality the rights of the petitioner for residence will have to be taken care of. With these observations, it disposed off the application by granting an interim injunction restraining the respondent from disturbing the petitioner's joint possession over the suit premises till further orders. The respondent is also directed that in case he creates any third party interest in the suit premises, he shall first protect the petitioner's right of residence either in the suit premises or by way of alternate accommodation.

3. The order passed by the Family Court is most equitable order and requires no interference by this Court. This petition is obviously unnecessary litigation indulged into by the petitioner. Hence the petition is dismissed.

[Smt. R. P. SondurBaldota, J.]