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

WRIT PETITION (ST.) NO.25454 OF 2016

Jani Niwas Co-operative Housing Society Ltd. ... Petitioner.

V/s.

Mr. Pramod Vithoba Patil and Ors. ... Respondents.

Mr. Sandeep Mishra or the Petitioner.

Mr. Sandesh Patil i/b. Ms. Anusha Amin for the Respondents.

CORAM : N.M. Jamdar, J.

29 September, 2016.

P.C. :-

Not on board. Taken on production board by way of praecipe.

2. The learned Counsel for the parties after arguing the matter for some time state that the Petition can be disposed of with the following order and since interlocutory applications are pending, no reasons in support be given as it might be influence the outcome of the proceedings. It is informed that the learned Civil Judge has listed the matter as to whether the preliminary issue needs to be

framed in Writ Petition No.10303 of 2016 upon remand by this Court. Accordingly, the Writ Petition is disposed of as under :-

(a) The learned Civil Judge if decides to frame a preliminary issue as proposed by the Respondents, will take up the same for consideration immediately.

(b) After the decision on the application filed by the Respondent under Section 9-A of the Code of Civil Procedure as above, the learned Civil Judge will proceed to take up the application filed by the Petitioner under Exhibit 5 for temporary injunction.

(c) Needless to say that in case the decision of the preliminary issue, if framed, is against the Petitioner, then no question of considering Exhibit 5 application will arise.

(d) All contentions of the parties as to whether the issue needs to be framed and if framed, the outcome and on the application under Exhibit 5 are kept open.

3. The Writ Petition is disposed of in above terms.

(N.M. Jamdar, J.)