

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL No. 247 OF 2015
IN
CHAMBER SUMMONS No. 322 OF 2014
IN
SUIT No. 325 OF 2014

Ruparel Developers India Pvt. Ltd. ... Appellant
Vs.
Cyrus Mangesh Edekar & Ors. ... Respondents

Mr. Gaurav Joshi, Sr. Counsel a/w Sanmish Gala i/b Markand Gandhi & Co. for the Appellant.

Mr. Zal Andhyarjina a/w Ms. Tanvi Kamat i/b Hariani & Co., for Respondent No. 1.

Mr. Huzefa Khokhawala a/w Ms. Gauri Rege i/b Nankani & Associates, for Respondent No. 2.

CORAM : V. M. KANADE, &
REVATI MOHITE-DERE, JJ.

DATE : FEBRUARY 1, 2016

PC.

1. The grievance of the Appellant is that though the original applicant (Respondent No. 1 herein) in the chamber summons is not a party to the suit, by the impugned order the learned Single Judge has granted interim protection during pendency of the suit,

directing the Appellant not to dispossess Respondent No. 1 / original applicant, or to obstruct his enjoyment in the residential premises on the ground floor of the suit building. There is an *inter se* dispute between owners of the suit premises and the suit is filed for administration of the estate and for partition. In our view, in such a suit a tenant in the suit property cannot claim any order of injunction. Hence, impugned order is set aside.

2. The Respondent No. 1 is, however, granted 8 weeks time to take out an appropriate proceeding before an appropriate forum, seeking protection of his rights. It is clarified that we have not made any observation regarding merits of the case and all contentions of all the parties raised in the appeal are kept open. Appeal is accordingly allowed and disposed of in the aforesaid terms.

Sd/-
[REVATI MOHITE-DERE, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemth