

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5617 OF 2017

SULTANA BEGUM SHAIKH YUSUF
VERSUS
CHANDEO RAMBHAU NARWADE

...

Advocate for Petitioner : Shri Shaikh Mujtaba Gulam Mustafa

...

CORAM : RAVINDRA V. GHUGE, J.
Dated: October 03, 2017

...

PER COURT :-

1. The petitioner is aggrieved by the order dated 24.7.2014 passed by the trial Court clamping injunction upon the petitioner / defendant in RCS No.396 of 2014. The petitioner is also aggrieved by the judgment dated 7.3.2017, by which, the Appeal Court has dismissed Misc. Civil Appeal No.31 of 2014.

2. I have heard the strenuous submissions of the learned Advocate for the petitioner.

3. It is informed that the issue framed under Section 9A of the Code of Civil Procedure ("CPC") is now being taken up for hearing.

4. Considering the above and keeping in view the law laid down by

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2 - WRIT PETITION NO. 5617 OF 2017

the Honourable Apex Court in the matter of Foreshore Co-operative Housing Society Ltd. Vs. Praveen D.Desai [2015 6 SCC 412], the trial Court shall decide the issue under Section 9A of the CPC and needless to state, shall neither be impressed nor influenced by the observations in the impugned orders dated 24.7.2014 and 7.3.2017. It is further clarified that these two orders would be subject to the decision of the trial Court on Section 9A of the CPC.

5. Writ Petition is disposed off.

(RAVINDRA V. GHUGE, J.)

...