

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

WRIT PETITION NO.5778 OF 2017

M/s. Interpack & Anr.	..Petitioners
V/s.	
Xavier Marshal Lobo & Ors.	..Respondents

Mr.H.K. Vazirani for the Petitioners.

Mr.Rampal Singh Kohli i/b C.K. Legal for Respondent Nos.1 & 7.

CORAM : M. S. SONAK, J.

DATE : 06th OCTOBER 2017

P.C.

1. Not on board. Upon production, taken on board.
2. Heard learned counsel for the parties.
3. There is no jurisdictional error in the impugned order.
The Trial Court has held that without there being any foundation whatsoever in the written statement, the petitioner, cannot insist upon getting issued witness summons so as to examine the Secretary/Office Bearers of the Society.
4. Accordingly, this petition is dismissed.

5. However, the dismissal of this petition will not come in the way of the petitioner, questioning the impugned order in substantive appeal, should, any occasion arises for institution of such substantive appeals. The non-interference is mainly because no jurisdictional error has been pointed out.

6. Since eviction is applied for on the ground of *bona fide* requirement, the learned Trial Judge is directed to expedite the proceedings, taking into consideration the observations of the Supreme Court in the case of Hameed Kunju V/s. Nazim¹.

(M. S. SONAK, J.)

1 2017 (8) Scale-11