

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 4891 OF 2017

Nester Thomas Tuscano

... Petitioner

Vs.

Thomas Simon Parera & Ors.

... Respondents

Mr. Sanjay a. Ghaisas, Advocate for the petitioner.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 5th July, 2017.

P.C.:

Not on board. Upon mentioning, taken on board.

2. The learned counsel for the petitioner/original defendant no. 1 submitted that in this Petition, the order dated 21st December, 2016 passed by Civil Judge Junior Division, Vasai below Exhibit 5 in Regular Civil Suit No. 298 of 2015 and also the order dated 31st March, 2017 passed by the learned District Judge-2, Vasai in Miscellaneous Civil Appeal No. 4 of 2017 are challenged. However, during the pendency of the Suit, interim orders were executed pursuant to the order dated 28th April, 2014 and now some portion of the access is made open to the plaintiffs. The learned counsel for the petitioner has fairly submitted that nothing remains in this Writ

Petition.

3. Now the main suit is pending. The trial Court may proceed with the suit and decide it independently on merits.

4. Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)