

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9553 OF 2017

Haresh B. Shirgudi - Dandekar and ors. .. Petitioners

vs.

Vazir Mohammed Ismail Khan .. Respondent

Mrs. V.R. Kale for the Petitioners.

Ms Aparna Devkar for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 4 SEPTEMBER 2017.

P.C. :-

- 1] Not on board. In view of urgency, taken on production board.
- 2] Heard Ms. V.R. Kale for the petitioners and Ms Aparna Devkar for the respondent.
- 3] The petitioners, who are admittedly the landlords in respect of the suit premises, challenge the orders made by the Trial Court and the Appeal Court declining the interim reliefs to the petitioners by restraining the respondent, who is also admittedly, the tenant in respect of the suit premises from transferring, parting with possession or otherwise creating any third party rights in suit premises.

4] The two Courts have denied reliefs to the petitioners basically on the ground that the petitioners have not made out any case in support of the apprehension expressed by them. There is however, no dispute that the petitioners are the landlords in respect of the suit premises and the respondent is the tenant in respect of the suit premises.

5] Ms Devkar as well as Mr. Vazir Mohammed Ismail Khan, the respondent, who is present in the Court, state that the respondent, in his capacity as the tenant of the suit premises, has been residing in the suit premises since the year 1992 and that the respondent has absolutely no intention of transferring, parting with possession or otherwise creating any third party rights in the suit premises.

6] In this view of the matter, without going into the issue as to whether the petitioners had made out any case in support of their apprehension, this petition can be disposed of by accepting the statement of the respondent in the aforesaid terms. Accordingly, the statement of the respondent, who is present in the Court, in the aforesaid terms, is accepted.

7] This writ petition is disposed of in the aforesaid terms.

8] The suit for eviction to be decided by the learned Trial Judge on its own merits and in accordance with law, without being influenced by any observations made in the impugned orders or for that matter the present order. Accordingly, all contentions of all parties are kept open.

(M. S. SONAK, J.)