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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 113 OF 2017
IN
SUIT (L) NO. 145 OF 2017**

Badal M Mittal & Anr	...Plaintiffs
<i>Versus</i>	
Omprakash M Mittal & Ors	...Defendants

**Mr Samarth Chowdhary, i/b M/s. Hariani & Co., for the Plaintiffs.
Mr Mandar Soman, i/b Bhakti Popat, for the Defendants.**

**CORAM: G.S. PATEL, J
DATED: 21st April 2017**

PC:-

1. The Petition is misconceived. The proposed Suit is under Section 6 of the Specific Relief Act 1963 for recovery of possession on the ground that the Plaintiff has been unlawfully dispossessed. There is no question of grant of leave under Order II Rule 2 of the Code of Civil Procedure 1908 to omit to sue for damages. That is not a relief that can be claimed in a Section 6 Suit. That remedy lies unaffected by a Section 6 suit for possession.

2. The Leave Petition is dismissed.

(G. S. PATEL, J.)