

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14616 OF 2017

(Bhausahab s/o Ramchandra Kolhe Vs. Vrushali w/o Anant Duseja
and another)

Mr.P.S.Dighe, Advocate for the petitioner.

Mr.S.R.Yadav, AGP for the respondent No.1/State.

Mr.Shaikh M.A.Jahagirdar, Advocate for respondent No.2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 14/12/2018

PER COURT :

1. Considering the objections raised by the respondents, learned Advocate for the petitioner submits on instructions that he would withdraw the Rent Application No.1/2017 and file a Regular Civil Suit seeking reliefs under the Transfer of Property Act, 1882. He further prays that the ad-interim protection granted by the Trial Court on 11/10/2017 may be continued for a period of 15 days from the date of the filing of the suit.

2. Learned Advocate for the respondents does not oppose for the withdrawal of the rent application and institution of a fresh suit under the Transfer of Property Act. He, however, opposes the continuation of the interim relief granted by the Trial Court.

3. In view of the above, this petition is disposed of. The impugned order would not survive as the petitioner is granted the liberty to withdraw Rent Application No.1/2017 and file a fresh suit within 2 (two) weeks from today and on the condition of such filing, the interim protection, granted earlier by the Trial Court, would continue for a period of 15 days from the date of the institution of the suit.

4. Needless to state, the Trial Court would consider the suit and applications if any, on their own merits without being influenced by the earlier orders passed by the learned Court in the rent application.

(Ravindra V.Ghuge, J.)