

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12930 OF 2018

Babu Babana Sherigar and anr. ...Petitioners
vs.
Majid Rahim Ansari & ors. ...Respondents
....
R.D. Suryawanshi for the petitioners.
None for the respondents.

....
CORAM : M.S.KARNIK, J.

DATE : 13th DECEMBER, 2018.

P.C. :

Misc. Application No. 603 of 2013 was filed by the applicants under Order 21, Rule 97 r/w. Section 34 of the Code of Civil Procedure seeking adjudication of their independent legal right and protection from dispossession, in terms of the decree passed by the Court of Civil Judge Senior Division, Thane in Spl. Civil Suit No. 485 of 2007 dated 3/8/2010.

2. Learned Counsel for the petitioners points out that the present Petition is filed against the order dated 21/11/2016 passed during the pendency of Misc. Application No. 603 of

2013. The Misc. Application No. 603 of 2013 itself is finally decided by the order dated 15/9/2017. In view of the dismissal of the Misc. Application No. 603 of 2013 itself, it is for the petitioners to take all contentions and challenges to the order dated 21/11/2016 as may be permissible in the Appeal filed against the order dated 15/9/2017. If a contention regarding the challenge to the order dated 21/11/2016 is raised by the petitioners in the Appeal filed by them against order dated 15/9/2017, the Appellate Court may deal with the said contention on its own merits and in accordance with law.

3. Needless to mention that I have not examined the matter on merits. All contentions in this regard are kept open.

4. The Petition is disposed of.

(M.S.KARNIK, J.)