

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14204 OF 2018

Bindiya Harkishan Malkani

...Petitioner

Versus

Pravin Harkishan Malkani & ors.

...Respondents

Mr. Sanjay Jain, a/w Ms. Astha Tahmankar, Mr. Sameer Chitnis, Ms. Madhura Kulkarni, I/b M/s. Chitnis & Co., for the Petitioner.

Mr. Dilip Kulkarni, for the Respondent nos.1 and 3.

Mr. Raj Patel, a/w Sunny Punamiya, I/b SSP Legal & Co., for Respondent no.2.

CORAM: M. S. SONAK, J

DATED: 18th December, 2018

PC:-

1. There are rivals contentions which need not be gone into in view of the order proposed to be made.

2. The issue of guardianship of respondent no.4, no longer services since, the respondent no.1 has made it clear that he does not press for his appointment as guardian of respondent no.4 before the Small Causes Court. In any case, it is reported that respondent no.4 will attain majority on 12th January, 2019. Therefore, the issue of guardianship is strictly speaking no longer services.

3. The Small Causes Court is accordingly directed to hear and decide in accordance with law, the petitioner's application for interim relief as also the application made by respondent no.2 at Exhibit 30. Both these applications to be considered

and decided within a period of two months from today. All contentions of all parties are kept open, since, this Court has not adverted to the merits of the matter or the rival contentions.

4. This petition is accordingly disposed of.

[M. S. SONAK J.]