

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 2613 OF 2017

Arshad Hussain Chamundi

...Petitioner

Vs.

Mumbai Repairs and Reconstruction
Board and anr.

...Respondents

Mr.A.A. Dandekar for the Petitioner.

Mr.V.P. Sawant for respondent nos. 1 and 2.

**CORAM : SHANTANU KEMKAR &
M.S. KARNIK, JJ.**

DATE : APRIL 02, 2018

P.C.:

Parties through their counsel.

Having heard learned counsel for the parties for some time, we find that the question involved in this petition requires to be adjudicated by the Civil Court by recording evidence. In the circumstances, we allow the petitioner to withdraw this petition with liberty to approach the Civil Court for redressal of his grievance. We find that on 21.09.2017 an interim protection was granted to the petitioner to the effect that “till next date of hearing,

no coercive steps be taken against the petitioner for taking possession from the petitioner.” The said order is continuing till date. In the circumstances, we direct that for the period of four weeks, the said interim order passed by this court shall continue. However, the civil court shall not be influenced by grant of interim protection and or extension thereof and shall decide the petitioner's application and the suit on its own merits and according to law. All the contentions of the parties are kept open.

(M.S. KARNIK, J.)

(SHANTANU KEMKAR, J.)