

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 1003 OF 2019**

SARWARI SHAIKH HUSSAIN., ... Petitioner

Versus

RIZWAN SHAIKH AND ANR., ... Respondents

Shri Sardessai Balkrishna Prakash, Advocate for the petitioner.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 21st November, 2019

P.C.:

Heard Shri B. Sardessai, learned Advocate for the petitioner.

2. Shri B. Sardessai, learned Advocate submits that he had filed the suit for restoration of the possession of the property under Section 6 of the Specific Relief Act. However, the learned Trial Court instead of giving a hearing in the matter has simplicitor ordered the issuance of the notice returnable on 06/12/2019 and declined to give any hearing to the petitioner on interim relief.

3. Looking to the tenor of the pleadings and that the order passed cannot stand the test of scrutiny, the impugned order is quashed and set aside. The matter is remanded to the learned Trial Court to hear and decide the application under Order XL Rule 1 CPC. The petitioner to appear before the learned Trial Court today at 14.30hours when the learned Trial Court shall

give hearing and pass an appropriate order in the matter.

4. The petition stands disposed off accordingly.

5. The parties to act on the basis of an authenticated copy of this order.

NUTAN D. SARDESSAI, J.

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