

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10665 OF 2019

Mr. Satish Yashwant Mane	...	Petitioner
Versus		
M/s Suru Consultants Pvt. Ltd.		
And Another	...	Respondents

Mr. Rohan Sawant a/w Shukla i/b M/s Legal Vision for the Petitioner.
Mr. R.V. Yadav for Respondent No.1.

CORAM : S.C. GUPTE, J.

DATE : 04 OCTOBER 2019

P. C. :

. This writ petition challenges an appellate order of the Court of Small Causes at Mumbai on an application seeking directions to the Plaintiff to take out an Obstructionist Notice against the Petitioner herein. The application was rejected *inter alia* on the footing that the Petitioner as an Obstructionist had an option of making an application under Order 21 Rule 99 of the Code of Civil Procedure, 1908 (“Code”). The Petitioner submits that pending the present writ petition, he has also filed an application before the trial court under Order 21 Rule 99 of the Code and he would like to prosecute that application instead of the present writ petition. Learned Counsel, however, submits that there is a protective relief currently operating in favour of the Petitioner and that to enable the Petitioner to obtain

suitable reliefs from the trial court, the present protective relief should be extended for a limited period. The stay granted by the Appellate Bench of the Court of Small Causes at Mumbai on 26 August 2019 in favour of the Petitioner herein is extended for a period of two weeks from today. The Petitioner will be at liberty to apply for suitable reliefs from the trial court. All rights and contentions of the parties on merits in that behalf are kept open. The writ petition is disposed of accordingly.

(S.C. GUPTE, J.)