

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1068 OF 2016

Kalvati Ravindra Patil and Ors.

.....Petitioners

V/s.

Kumud Vasant Patil and anr.

....Respondents

* * * *

Mr. Shreepad Murthy a/w. Ms. Rima Oke i/by. Mr. Abhishek Patil, Advocate for the petitioners.

None for the respondents.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 6th June, 2019.

P.C. :

1. The petitioner has filed Special Civil Suit No. 67 of 2013 under Section 6 of the Specific Reliefs Act. Pending suit, he requested the trial Court to restrain the defendant from creating third party right in the suit property. That request was rejected by the learned Judge vide order dated 10th March, 2015 which is under challenge in this writ petition.

2. Mr. Murthy, learned Counsel for the petitioner submits that vide proceedings under Section 145 of the Criminal Procedure Code, possession of the suit property has been handed over to the petitioner and as such the suit is rendered infructuous.

3. Mr. Murthy, has brought to my notice, the observations made by the learned Judge in the impugned order wherein in para-25, the learned Judge has commented on the title of the petitioner qua the suit property. That in the proceedings under Section 6 of the Specific Reliefs Act, title of the plaintiff is not a material fact and therefore observations in the impugned order relating to the title of the plaintiff petitioner, she shall be excluded from consideration in all further proceedings, if any, adopted by either parties concerning the suit property, against each other.

4. With these observations, the petition is disposed of as withdrawn.

(SANDEEP K. SHINDE, J)