

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3757 OF 2018

Nandlal Girdharbhai Papat, Jatpura Gate, Chandrapur and ors.

-vs-

M/s Samadhan Marketing and Merchandize Pvt. Ltd. Jatpura Gate, Chandrapur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M. P. Khajanchi, Advocate for petitioners.
Shri Rohit Joshi, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : July 03, 2019

The petitioners who are the original defendants have challenged the order dated 27/11/2018 passed below Exhibit-48 and have further prayed that the respondent-plaintiff be directed to deliver possession of the suit property in terms of pursis dated 06/09/2017.

2. This Court on 02/07/2018 while issuing notice to the respondent had granted interim relief in terms of prayer clause (c) which reads thus :

' Pending final disposal of the present writ petition, grant an interim order directing the respondent to deliver possession of suit premises to the petitioners to enable the petitioners to carry out repairs for preservation of suit property.'

3. The parties have thereafter filed a joint pursis dated 18/07/2018 by which the manner in which possession was to be handed over to the petitioners has been stipulated. The parties

have acted accordingly and the petitioners have received possession for the purposes of carrying out repairs.

4. The respondents have filed Civil Application No.1653/2019 with a prayer to grant temporary injunction so as to restrain the petitioners from conducting any business from a portion of the suit property. Reply has been filed on behalf of the petitioners to the said civil application.

5. Considering the contents of the joint pursis indicating the manner in which possession was to be delivered to the petitioners for carrying out repairs, the challenge to the impugned order in that regard therefore appears to have been taken care of by the course prescribed in the joint pursis. It is therefore not necessary to keep the writ petition pending.

6. The respondent-plaintiff is free to move appropriate application for temporary injunction before the trial Court in the light of prayers made in Civil Application No.1653/2019. If such application is made the petitioners shall file reply thereto and the trial Court shall consider the same in accordance with law. If any prayer for grant of ad-interim relief is made, the same be considered expeditiously and preferably by 08/07/2019 on its own merits and in accordance with law.

The Writ Petition is disposed of in terms of joint pursis. No costs.

Pending Civil Application is also disposed of.

JUDGE

Asmita