

BDP-SPS

Bharat
D.
Pandit
Digitally signed
by Bharat D.
Pandit
Date: 2020.10.26
14:58:46 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12447 OF 2019**

Trilok Kavi

.... Petitioner.

V/s

The State of Maharashtra and Ors

.... Respondent.

Mr. Ashok Saraogi, Advocate for the Petitioner.

Smt. M.S. Bane, AGP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: 23rd OCTOBER, 2020

P.C.:-

1] Heard Mr. Saraogi, learned Counsel for the Petitioner. According to him, clarification is required that the order impugned dated 4th October, 2019 is not binding on the Petitioner since the property mentioned therein is his self acquired property and the Family Court on facts has made incorrect observation that the said property was owned by son of the Petitioner viz Kevin Trilok Kavi, who has gifted the same in favour of the present Petitioner. According to the learned Counsel, in the suit for eviction initiated by the Petitioner before the court below, said finding and operative order is likely to affect his rights and contentions.

2] Having appreciated the said submissions, I am of the view that it is open for the Petitioner in his eviction suit to argue that order of the Family Court dated 4th October, 2019 is not binding on him, he not being party to the said suit and that the property in question is his self acquired property and not gifted by his father. It is expected of the Civil Court to consider the same.

3] In view of the above, no case for interference in extra ordinary jurisdiction is made out. Petition as such fails and same stands dismissed.

(NITIN W. SAMBRE, J.)