

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12373 OF 2018

Rohington Dinsha Devaliwal, through  
its General PoA holder ... Petitioner  
V/s.  
Bomi Khodaram Deolaliwala & Others ... Respondents

Mr. M.M. Sathaye, for the Petitioner.  
Mr. Filji Predrick, i/b F.F. & Associates, for Respondent No. 1.

**CORAM : AMIT BORKAR, J.**

**DATE : 28 JANUARY 2022.**  
**(Through Video Conferencing)**

**P.C. :**

This petition under Article 227 of the Constitution of India seeks to challenge the Judgment and Order dated 21st November 2017 in Miscellaneous Civil Appeal No. 127 of 2015 passed by the learned District Judge – 9, Nashik. The said order is in force till today.

2. Mr. Sathaye, learned Advocate for the Petitioner fairly states that since the suit has ripened for hearing, interest of justice will be met if the Trial Court is directed to decide the suit on merits. He states that it may be clarified that the observations in the impugned order shall not influence the learned Trial Court while deciding the suit on merits.

3. It is made clear that the order dated 21<sup>st</sup> November 2017 shall remain in force during the pendency of the suit. It is also made clear that the Trial Court shall decide the suit on merits without being influenced by the observations made in the impugned order.

4. Writ Petition is disposed of in above terms.

(AMIT BORKAR, J.)