

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14339 OF 2022

Sultana Arif Dalal & Anr.

.Petitioners

Vs.

M. B. Associates & Ors.

.Respondents

Mr. Manini Desai i/b. Mr. Abdul Bari Khan for the Petitioners.
Mr. R. D. Suryawanshi for Respondent Nos. 1 & 2.

**CORAM : SUNIL. B. SHUKRE AND
M. W. CHANDWANI, JJ.**

DATE : 24 JANUARY 2023

P. C.

. Heard learned counsel for the Petitioners. Prayer clause (b) of this Petition seeks a declaration that Sale Deed bearing Registration No. 2302/2006 dated 26/04/2006, is illegal and is, therefore, null and void. Any grievance giving rise to such a prayer will have to be adjudicated upon by the Civil Court of competent jurisdiction and this Court and, therefore, we cannot entertain this Petition raising such a grievance.

2. Prayer clause (a) also seeks a declaration that procedure adopted for registration of the Sale Deed, is illegal.

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Even such a prayer will have to be made only by filing Civil Suit.

3. In fact, prayer Clause (c) indicates that there is already a Civil Suit being R.C.S. No. 266/2022 filed by Respondent No.3 before the Court of Civil Judge, Junior Division, Bhiwandi which is pending. By this prayer clause, the Petitioner seeks a direction for calling of record and proceedings of Civil Suit No. 266/2022. Such a prayer cannot be made in invocation of extraordinary jurisdiction of this Court under Article 226 of the Constitution.

4. The Petition, therefore, stands dismissed. Costs of the Petition shall be costs in cause.

(M. W. CHANDWANI, J.)

(SUNIL. B. SHUKRE, J.)