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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.10608 OF 2017

WITH

CIVIL APPLICATION NO.1329 OF 2018

Ghansham T. Dembla ...Petitioner

V/s.

Dr.Rustum S. Boyce & Anr. ...Respondents

Mr.Subhash Ghatge i/b Mr.Mohanish Ghatge for the Petitioner.

Ms.Snehal Modi with Mr.J. Pandhari for Respondent No.1.

CORAM : RAJESH S. PATIL, J.

DATE : 25TH APRIL, 2024.

P.C. :-

1. After the matter was argued for some time, both the counsel have agreed to dispose of this Writ Petition with certain directions.

2. In an eviction suit, the application for injunction was filed by the Plaintiff, which was granted by the Trial Court and by the Appellate Bench of the Court of Small Causes. The

present Writ Petition filed in the year 2017 challenges both the orders. There was no protection granted by this Court to the Petitioner / Defendant.

3. Mr.Ghatge on instructions of his client, hereby submits that his client would remove the steel grills and other things which are put up in the suit premises by which access of the Plaintiff to the main entrance, garage, common passages, porch, basement, vernanda, ground and first floor was blocked, within four weeks from today. The said undertaking is accepted by this Court.

4. The Defendant, his servants, agents or any other persons claiming through him will be restrained from obstructing the access of the Plaintiff and his family members, servants accessing the ground floor and the first floor of the suit premises from the wall at the eastern side of the suit property in any manner till the decision of R.A.E. & R. Suit No.313/533 of 2012. So also the Defendant, his servants, agents and any other persons claiming through him are restrained from parting with the possession of the suit property or creating any third party

interest in the suit property till the decision of R.A.E. & R. Suit No.313/533 of 2012.

5. The Trial Court should not be influenced by the observations made by this Court and by the interim orders passed by the Court of Small Causes, Mumbai, the same being Interim Orders.

6. The R.A.E. & R. Suit No.313/533 of 2012 to be decided on its own merit after hearing both the parties.

7. The Writ Petition is accordingly disposed of.

8. In sequel Civil Application No.1329 of 2018 is also disposed of.

(RAJESH S. PATIL, J.)