

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16656 OF 2023

Mohd. Sufiyan Mohd. Yaqoo & Ors.

.. Petitioners

Versus

Tatyabhau Parsharam Deore & Ors.

.. Respondents

.....

- Mr. Anilkumar K. Patil for Petitioners
- Mr. Ramesh Dube Patil a/w Mr. Ashish Gabhale & Mr. Swaraj Subhash Patil i/by Jay & Co for Respondent No. 1

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 8, 2024

P. C.:

1. Heard Mr. Anilkumar K. Patil, learned Advocate for Petitioners and Mr. Ramesh Patil, learned Advocate for Respondent No. 1.

2. Present Writ Petition was heard at the time of mentioning on 08.01.2024 and order was passed after hearing the Petitioners. Today after hearing Mr. Patil, learned Advocate for contesting Respondent No. 1 who is original Plaintiff before the learned Trial Court and perusing the twin orders dated 13.09.2023 and 02.11.2023 and considering the facts and circumstances in the present matter, I have impressed upon both the learned Advocates that this Court opining on any merits of the matter would be detrimental to the prospects of the parties before the learned Trial Court in view of the fact that fraud is alleged by the Plaintiff.

3. In view of the above, I am of the opinion that Special Civil Suit No. 193/2022 be expedited. It is clarified that this Court has not expressed any opinion on merits nor the learned Trial Court shall be influenced by any of the observations and findings returned in the order dated 08.01.2024 as also the order dated 13.09.2023 and 02.11.2023 and adjudicate and decide the Suit on its own merits and on the basis of the evidence led by the parties and strictly in accordance with law.
4. Plaintiff is directed by this Court that until determination of the Suit by the Trial Court, he shall not create any third party rights or alienate the suit property.
5. With the above direction, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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