

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11353 OF 2024
WITH
WRIT PETITION NO.11383 OF 2024
WITH
WRIT PETITION NO.11439 OF 2024
WITH
WRIT PETITION NO.11441 OF 2024
WITH
WRIT PETITION (STAMP) NO.21552 OF 2024

Rafiq I. Shelar & Ors.

...Petitioners

vs.

The Trustees of Fatmabai Binte
Nakhuda Mohammed Ameen Rogay Religious and
Charitable Trust & Ors.

...Respondent

....

Mr. Aarif Ali *for the Petitioners.*

Mr. Drupad S. Patil *a/w Mr. Sule for Respondents.*

....

CORAM : SANDEEP V. MARNE, J.

DATE : 21 AUGUST 2024

P.C. :

1 Writ Petition No.21552 of 2024 is not on Board. At the request of the learned counsel appearing for Petitioners, Writ Petition No.21552 of 2024 is taken on Board and is being decided with the other four Petitions.

2 These Petitions challenge orders dated 20 October 2021 seeking dismissal of the suits on the ground of the same being barred by law. I am not inclined to entertain the Petitions setting up challenge to the orders dated 20

October 2021 since there is delay of almost three long years in challenging the said orders.

3 So far as challenge to the order dated 19 June 2024 is concerned, the learned Judge has permitted Plaintiffs/landlords to inspect the suit premises. It is pointed out that out of the suit premises involved in five suits, inspection is already complete in respect of premises involved in three suits. To that extent the challenge to the order dated 19 June 2024 has become infructuous in respect of the three Petitions. Even in respect of the suit premises in which the inspection is yet to be conducted, I do not see any reason why interference by this Court is warranted in the order dated 19 June 2024. The suits are filed for seeking recovery of possession *inter alia* on the ground of unauthorized additions and alterations to the suit premises. Therefore inspection of suit premises would in fact assist the Court in deciding the real question of controversy involved in the suits. Therefore, challenge to the order dated 19 June 2024 is again clearly baseless.

4 I therefore do not find any reason to entertain the Petitions, Writ Petitions are accordingly **dismissed**.

(SANDEEP V. MARNE, J.)

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signed by
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KATKAM
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