

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.979 of 2012

In

Second Appeal No.495 of 2012

Shri Aslam Mahamad Mulla ... Applicant

Versus

Shri Mahammd Hasum Mulla
and others ... Respondents

Shri Amit M. Shete, Advocate for Applicant.
Shri D.V. Sutar, Advocate for Respondents.

Coram : R.K. Deshpande, J.

Dated : 12th June, 2015

P.C.:

The Appellate Court has recorded the finding that the applicant-appellant, who is the original plaintiff No.1, was in possession of the suit property. During the pendency of Regular Civil Suit No.65 of 2000 filed by the applicant-appellant, the order of temporary injunction was operating restraining the defendants therein, who are the respondents in this appeal, from interfering with the possession of the applicant-appellant. Even in the suit filed by the respondent No.1, i.e. Regular Civil Suit No.146 of 2000, a statement was made by the defendants therein that they were in possession of the suit property. In view of this, the application needs to be allowed.

The civil application is allowed. There shall be interim relief in terms of prayer clause (c). It is made clear that the applicant-appellant shall neither create any third-party interest in the suit property nor shall part with the possession thereof pending the decision of

the appeal.

The civil application is disposed of.

(R.K.DESHPANDE, J.)

PD Lanjewar