

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 493 OF 2015
IN
FIRST APPEAL NO. 839 OF 2012**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Mohan Dhamal for the applicant.

**CORAM : K. K. TATED, J.
DATED : 10/02/2015.**

PC.:

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 By this Civil Application the applicant is seeking the stay of warrant of possession issued by the Small Causes Court, Mumbai, on Exh.26 on 13.01.2015 and order below Exh.28 passed on 28.01.2015 both in Execution Application No. 303 of 2009 in R.A.E. & R suit No. 609/1451/1993 as per decree dated 14.12.2007 in Appeal No. 663 of 2003.

3 It is to be noted that present First Appeal is preferred by the appellant/applicant challenging the judgment and decree passed by the Bombay City

Civil Court Bombay in S.C. Suit No. 3191 of 2007 by which the applicant's suit for partition came to be dismissed.

4 Considering the fact that the by this Civil Application, applicant is seeking stay of possession warrant issued by the Small Causes Court in a proceeding arisen from that Court. Whereas, the present First Appeal is filed challenging the judgment and decree dated 06.05.2011 passed by the Bombay City Civil Court at Bombay in S.C. Suit No. 3191 of 2007. The applicant is not seeking any relief arisen from S.C. Suit No. 3191 of 2007 of Bombay City Civil Court, Bombay. I am of the opinion that applicants have not made out case for any reliefs.

5 Hence, Civil Application itself is not maintainable. Same is rejected.

(K.K.TATED, J.)