

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5108 OF 2013

Siraj Ahmed Karamatullah Shaikh and Anr. ..Petitioners

Vs.

Anjomane Fotowwate Jamaate Esna A. Yazdiyan Trust
@ Anjuman Fotowwat Yazdiyan Irani Trust and Ors ...Respondents

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Mr. V.S. Deokar, Advocate i/b K.R. Tiwari and Co. for Petitioners.
Mr. I.A. Siddiqui, Advocate i/b Indo Law Hub for Respondent Nos. 2 to 4.

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**CORAM : N.M. JAMDAR, J.
DATED : 24 MARCH 2015**

P.C.:

Heard learned Counsel for parties. By this petition, the petitioner challenges the order dated 4 January 2012 passed by the Appeal Bench of Small Cause Court confirming the order passed by the learned Small Cause Court Judge dated 18 June 2009 rejecting the application for interim relief filed by the petitioner.

2. In the suit filed by the plaintiff, the petitioner had taken out an application for interim relief that the landlord should not transfer the rent receipt in the name of the Respondent Nos. 3 and 4. This relief has been refused by both the Courts. The learned Appeal Bench has observed that as regards the possession is concerned, it is already

protected by the order of the City Civil Court, Mumbai. As regards the injunction against the respondents in respect of transfer of rent receipt in their favour is concerned, the learned Appeal Bench has held that even if such transfer is made, it is always subject to the final order to be passed in the suit. No fault can be found with the approach adopted by both the Courts, by which interest of the applicant is adequately protected.

3. No interference is warranted. The petition is rejected.

[N.M. JAMDAR, J.]