

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

**CIVIL APPLICATION NO.2779 OF 2014
IN
FIRST APPEAL NO.39 OF 2015**

Abubakar S/o. Jan Mohd.
(since deceased through legal
heirs) 1-a) Mrs. Nasimabanoo w/o.
Abubakar & Ors. ...Applicants

Versus

Mohd. Yahyya s/o. Mohd. Ayub &
Ors. ...Respondents

.....

Mr. M.S. Karnik i/b. Mr. Nilesh S. Patil for the Applicants.
Mr. K.N. Kore for Respondent Nos.1 to 4.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 26th AUGUST, 2015.

P. C. :

This Application is moved by the Applicants for stay of the operation, implementation and execution of the judgment, decree and order dated 20-6-2014 passed by the Judge, City Civil Court, Greater Mumbai, in S.C. Suit No.7105 of 2000. It is a suit for possession which was decreed in favour of the Respondents (original Plaintiffs).

2. It is submitted by the learned counsel for the Applicants that the Applicants are occupying the suit premises since the last 20-25 years. They have a good case on merit.

3. Learned counsel for the Respondents opposed this application. He has submitted that the learned trial Judge has disbelieved the claim of the Applicants of adverse possession and of licensee.

4. The suit is for possession. The possession was with the Applicants since the last 20 years. The appeal is admitted. Hence, the application is allowed in terms of prayer clauses (a) and (b).

5. The civil application stands disposed of.

(MRS. MRIDULA BHATKAR, J.)