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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.867 OF 2014
IN
NOTICE OF MOTION NO.2881 OF 2013
IN
S.C. SUIT NO.3200 OF 2013

WITH
CIVIL APPLICATION NO.1042 OF 2014
IN
APPEAL FROM ORDER NO.867 OF 2014
IN
NOTICE OF MOTION NO.2881 OF 2013
IN
S.C. SUIT NO.3200 OF 2013

Rajkumar R. Gupta	...Appellant
V/s.	
Kanhaiyalal R. Gupta	...Respondent

Mr.Ditendra Mishra for the Appellant.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 23RD NOVEMBER, 2015.

P.C. :-

1. Admit. None appeared for the respondent.
2. By this appeal the appellant has impugned the order dated 5th August, 2014 passed by the learned trial Judge, dismissing the notice of motion filed by the appellant (original plaintiff) *inter-alia* praying for injunction against the respondent from dispossessing the

plaintiff and/or removing the articles belonging to the plaintiff in the suit premises forcibly without due process of law.

3. A perusal of the impugned order passed by the learned trial Judge *prima-facie* indicates that the plaintiff was in joint possession of the suit premises with the defendant. The learned trial Judge however, has rejected the notice of motion merely on the ground that the plaintiff was unable to show any documents relating to his alleged title in the suit premises.

4. During the pendency of the appeal from order, there was *ad-interim* reliefs in terms of prayer clause (b) of the civil application the same to continue during the pendency of this appeal.

5. It is made clear that this Court has not stayed the proceedings of the trial Court and thus the trial Court shall proceed with the hearing of the suit if the same is ready.

6. The Civil application is disposed of in aforesaid terms. No order as to costs.

7. The appeal from order can be heard in due course.

(R.D. DHANUKA, J.)