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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.32651 OF 2016

Wahid Ali Shaik s/o. Ahmed Ali Shaikh ..Petitioner.

V/s.

Roopchand Ghisiyawanram Gupta and Anr. ..Respondents.

Mr.Sachin Kamble with Ms.Ranjita Kusalkar i/b. Mr.Vincent D'silva
for the petitioner.

Mr.S.S. Redij for respondent No.1.

CORAM : N.M. JAMDAR, J.

DATED : 6TH DECEMBER, 2016

PC. :-

By this petition, the petitioner has challenged the order passed by the Small Cause Court Judge, Mumbai dated 21 November, 2016 in issuing warrant as per the order passed on 28 July, 2016

2. Heard the learned counsel for the parties. It is the case of the petitioner that adequate opportunity was not given to the petitioner-obstructionist to put forth his case and various documents in support of his claim and his ownership on the suit property has not been considered. The petition was taken up on production board on 29 November, 2016 and an ad-interim protection was granted till date. The learned counsel for the petitioner has handed over additional affidavit in support of the

petition placing on record the documents the petitioner seeks to rely upon

3. The learned Small Cause Court has given hearing to the petitioner and by a detailed order has negated the case of the petitioner. The agreement which were produced on record has been analysed by the learned Small Cause Court Judge concluding that no documents showing any title of the petitioner to the suit property has been produced. In the affidavit which is handed over today, the petitioner has sought to produce affidavit, certain power of attorney and an agreement. All unregistered and on a stamp paper of Rs.20/-. The petitioner has created various documents. First document is an agreement between the applicant and one Bakaulla Mohd. Hanif and thereafter, an agreement stated to be executed by the respondent and an agreement which is placed on record today, executed by one Mohammed Yusuf. Not only the documents which are produced on record confer any title on the petitioner but the petitioner has tried to create some semblance of right by creating various untenable deeds. Therefore, even after giving an opportunity in this Court, the petitioner has failed to demonstrate any right to the suit property so as to warrant an interference in the conclusion reached by the Small Cause Court Judge that the petitioner has not established his title to the suit property. In the circumstances, there is no merit in the petition. The writ petition is accordingly rejected.

(N.M. JAMDAR, J.)