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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (STAMP) NO.34350 OF 2015

Abdul Rauf Sakarkute	...Appellant
V/s.	
Salauddin Shaikh & Anr.	...Respondents

Mr.Ditendra Mishra for the Appellant.

Mr.A.V. Diwate for the Respondent No.2 – B.M.C.

CORAM : R.D. DHANUKA, J.
DATE : 5TH JANUARY, 2016.

P.C. :-

1. By this appeal from order, the appellant has impugned the order dated 28th October, 2015 passed by the learned trial Judge refusing to grant *ad-interim* reliefs in the notice of motion filed by the appellant (original plaintiff), which was filed for an injunction against the defendants from dispossessing and/or interfering with the peaceful possession of the plaintiff from the suit premises and for other reliefs.
2. I have perused the record and also perused *ad-interim* order passed by the learned trial Judge.
3. A perusal of the record *prima-facie* indicates that the appellant appears to have given some loan to the defendant no.1.

There was a provision in the said alleged agreement that if the defendant no.1 commits any default in repayment of the loan amount, possession of the property of the defendant no.1 shall be given to the plaintiff.

4. Though I have rendered sufficient opportunity to learned counsel for the appellant to show even a single document before this Court to establish *prima-facie* that the appellant was in possession of the suit property, the learned counsel is unable to produce any document and would submit that except a copy of the agreement entered into between the appellant and the respondent no.1, the appellant is not in possession of any document to establish that the appellant was in possession of the suit property.

5. A perusal of the order passed by the learned trial Judge indicates that the learned Judge after considering the submissions made by the appellant has rendered a *prima-facie* finding that the appellant had failed to show the actual possession of the suit premises in pursuance of the agreement alleged to have been taken by the appellant from the respondent no.1 and has thus rightly rejected the ad-interim relief.

6. The appeal is devoid of merits and is accordingly dismissed.

7. In view of the disposal of the appeal from order, the civil

application does not survive and is accordingly disposed of. No order as to costs.

(R.D. DHANUKA, J.)