

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**APPEAL FROM ORDER NO. 254 OF 2015**  
**WITH**  
**CIVIL APPLICATION NO. 318 OF 2015**

|                                 |                |
|---------------------------------|----------------|
| Rajayya Linganna Devni          | ...Appellant   |
| <i>Versus</i>                   |                |
| Rajlingam Linganna Devani & Anr | ...Respondents |

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*None for the Appellant.*

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**CORAM: G.S. PATEL, J**  
**DATED: 3rd July 2017**

**PC:-**

1. The Appeal is directed against the order of 21st July 2014. The Plaintiff is in Appeal. He is the brother of the 1st Defendant. He sought an injunction to protect alleged joint possession of Room No. 303, Ground Floor, Ganpat Atmaram Kurle Chawl, Shradhanand Road, Vile Parle (East), Mumbai 400 057. It was alleged that the father of the Plaintiff and the 1st Defendant died on 19th August 1995. He was survived by four heirs, including the Plaintiff and the 1st Defendant.

2. The learned Judge found that on the record before him, there was absolutely no document to establish any such joint possession.

He dismissed the Notice of Motion; in my view absolutely correctly.  
There is no reason to interfere with the order under Appeal.

3. The Appeal is dismissed. There will be no order as to costs.
4. The Civil Application does not survive and is dismissed.

**(G. S. PATEL, J.)**