

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2720/2019

in

First Appeal (ST) No.6934/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Madan S. Khatri for the Applicant
Mr. S. P. Srivastava for the Respondent

CORAM: K.K.TATED, J.
DATED : OCTOBER 3, 2019

P.C.

1 Heard. By this Civil Application the Applicant - Plaintiff is seeking stay to the operation and implementation of the judgment and decree dated 04.01.2019 passed by the Bombay City Civil Court at Mumbai in S.C.Suit No.588/2008.

2 It is to be noted that in the present proceeding the Applicant - Plaintiff had filed the suit for an order of injunction restraining the Respondent - Defendant from dispossessing him from the suit premises i.e. Gala No.33, Machado Compound, Near Petrol Pump, CST Road, Kalina, Santacruz (East), Mumbai - 400098.

3 On the basis of the pleadings of the parties, the Trial Court had framed following issues:

Sr. No.	Issues	Findings
1	Does the Plaintiff prove his lawful possession upon suit premises ?	In the negative
2	Does Plaintiff prove that Defendants are trying to disturb his possession?	In the negative
3	Whether this Court has jurisdiction to try and decide the suit ?	In the affirmative
4	Is the Plaintiff entitled to reliefs?	In the negative
5	What order ?	As per the final order

4 The Trial Court held that the Applicant has failed to prove his possession in respect of the suit premises. Hence, the Trial Court dismissed the suit filed by the Applicant.

5 Prayer clause (a) of the Civil Application is as under:

“(a) Pending hearing and final disposal of this appeal, this Hon'ble Court be pleased to stay the effect, execution and implementation of judgment and order dated 04.01.2019 passed by HHJ the 1st Addl. Pr.Judge, City Civil Court at Bombay, Borivali Division, Dindoshi Branch in S.C.Suit No.588 of 2008.”

6 There is no question of staying the impugned order by which the suit filed by the Applicant is dismissed.

7 Hence, following order is passed:

a. The Civil Application stands rejected.

b. No order as to costs.

(K.K.TATED, J.)