

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 264 OF 2018
WITH
CIVIL APPLICATION NO. 338 OF 2018**

Sujata Devram Gamre & Ors. ... **Appellants**

V/s.

Municipal Corporation of
Greater Mumbai & Ors. ... **Respondents**

Mr.Husain Hasim for Appellants.
Ms.Madhuri More for Respondent No.1 and 3.
Mr.Pradeep Lahiri for Respondent No.2.

CORAM : A.S. GADKARI, J.

DATE : 19th November 2019.

PC. :

1] By the present Appeal, the appellants have impugned Order dated 5th May 2018 passed in Draft Notice of Motion in L.C. Suit (Stamp) No.6554 of 2018, thereby refusing to grant ad-interim relief in favour of the appellants.

2] Heard Mr.Hussain, learned counsel for the appellants, Ms.More, learned counsel for the respondent Nos.1 & 3 and Mr.Lahiri, learned counsel for the respondent No.2.

3] It is the contention of the appellants that, in pursuance of the name of Devram Janu Gamre entered into annexure appended to the agreement

executed between the respondent No.1 and Laxman Janu Gamre i.e. the husband of the respondent No.2, the appellants are entitled to claim 50% of tenancy rights or share in the suit property which is now under redevelopment. It appears from the record that, only on the basis of incorporation of the name of Deoram Janu Gamre as one of the family members who was occupying room No.51 owned by the respondent No.1 at the time of execution of the agreement dated 19th December 1969 between the respondent No.1 and Laxman Janu Gamre, the applicants are claiming hereditary right. It further appears that, Laxman Janu Gamre had permitted Deoram Janu Gamre as his family member to reside with him in the suit property as his real brother and nothing more than it. It *prima-facie* appears that, the appellants have no direct right or interest in the suit property.

4] In view thereof, I find no merits in the Appeal.

Appeal is accordingly dismissed in *limine*.

5] In view of disposal of the Appeal, nothing survives in the Civil Application and is accordingly disposed off.

[A.S. GADKARI, J.]