

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

**APPEAL FROM ORDER (ST.) NO.16780 OF 2019
WITH
CIVIL APPLICATION (ST.) NO.16784 OF 2019
IN
APPEAL FROM ORDER (ST.) NO.16780 OF 2019**

Amrit Hamirmal Jain ... Appellant
Versus
Bharat Hamirmal Jain and Ors. ... Respondents
.....
Mr. Amarendra Mishra for Appellant.
.....

**CORAM : M. S. KARNIK, J.
DATE : 3rd JULY, 2019.**

P. C.:

1. Heard learned counsel for the appellant.
2. It is the contention of the learned counsel for the appellant that he was in possession of the suit premises. Learned counsel for the appellant invited my attention to the documents on record especially ration card to show that the name of the appellant and his family members are recorded in the ration card on which the address shown is of the suit premises. Learned counsel for the appellant relied upon other documents in nature of Adhar Card, electricity bill, MTNL bills, Gumasta License and

passport. Learned Trial Court has observed that the said documents do not indicate that the same are in respect of the suit premises.

3. I have also gone through these documents. There is a building named as “Palrecha Bhavan” which is adjoining to the suit premises. Learned counsel for the appellant would submit that the suit premises is “Annapurna Niwas”. I do not find that the order of the Trial Court needs to be interfered with as the documents prima facie do not appear to be in respect of suit premises.

4. Learned counsel for the appellant would submit that the defendants have now filed exhaustive reply to the Notice of Motion which is not being considered.

5. Taking into consideration the documents on record, I do not find this is a fit case to interfere with the order of the Trial court at this stage. However as the Notice of Motion is pending and as detailed reply is already filed by the respondents to the Notice of Motion, the Trial Court is requested to hear the Notice of Motion expeditiously and preferably within a period of

six months from today. The same be dealt with on its own merits without being influenced by what is stated in the impugned order or observations made by me.

6. The Appeal is disposed of.

7. In view of the disposal of the Appeal, nothing survives for consideration in the Civil Application. The Civil Application is disposed of accordingly.

(M. S. KARNIK, J.)