

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.194 OF 2021
WITH
INTERIM APPLICATION NO.1885 OF 2021

Mr. Pannalal Hiralal Betwala & Anr.] ...Appellants/Applicants

Versus

Smt. Kalavati Nanka Betwala & Ors.] ... Respondents

Mr. Sushil K. Chaurasia i/b SKC Legal for Appellants / Applicants.
Mr. Sudam Patil for Respondents.

CORAM :- A. S. GADKARI, J.
DATE :- 28 SEPTEMBER, 2021

P. C. :-

1. By the present Appeal, the Appellants / original Plaintiffs have impugned the Order dated 03/04/2021 passed by the learned Judge, City Civil Court, Mumbai in Notice of Motion No.2293 of 2019 in Suit No.1403 of 2019.

2. Admittedly, not only from the pleadings in the plaint but from the arguments advanced by the learned Advocate for the Appellants, the Appellants are not in physical possession of the suit premises i.e. Room No.24 and therefore, there is no question of permitting them to have ingress or egress thereof. The trial Court, therefore, has rightly rejected said prayer of the Appellants to that effect.

3. Learned Advocate appearing for Respondents, on instructions, makes a statement before this Court that the Respondents till date have not created any third party right, title or interest in the suit premises nor they intend to further create it during the pendency of S.C.Suit No.1403 of 2019 filed by the Appellants. The said statement is accepted.

3. Nothing further survives in the present Appeal and the same is accordingly disposed off.

In view of disposal of Appeal, Interim Application No.1885 of 2021 does not survive and the same is also disposed off.

(A. S. GADKARI, J.)