

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****I.A. NO. 2105 OF 2019****IN****SECOND APPEAL (STAMP) NO. 28137 OF 2019**

Mau. Abid Habaib Usmani

.....Applicant.

Vs.

Subhash Vamanrao Charhate & Anr.

.....Respondents.

Mr. Yatin R. Shah & Mr. Shahzad Khajotia for the Applicant.

Mr. S.N. Chandrachud a/w Mr. V.S. Upadhyay for the Respondent No.1.

CORAM : A. S. GADKARI, J.**DATE : 25th AUGUST, 2021.****P.C.:-**

The Respondent No.1 in his Affidavit dated 11th August, 2021 has specifically averred that, the Appellant herein is not in possession of the Suit property but the Respondent No.2 who is a Judgment Debtor is fraudulently attempting to save his possession through the Appellant on the basis of fabricated and colourable documents.

2 The compilation of documents produced by the Appellant/Applicant, wherein the alleged rent receipts issued by Mrs. Shanta Keshav Pandit in favour of the Appellant are annexed, *prima facie* indicates that, the signatures of the said landlady materially differ at various places. It therefore, raises a strong suspicion about its genuineness.

I find substance in the submissions made by the Respondent No.1 in his Affidavit.

In view thereof, no interim relief.

Interim Application is accordingly disposed off.

3 Trial Court is directed to proceed with the Execution proceedings.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed by
SANJIV
SHARNAPPA
MASHALKAR
Date: 2021.08.30
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