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

FIRST APPEAL (S.T.) NO.3150 OF 2020

Abubakar Jan Mohd (Since Deceased)
Through Lrs. 1(a) Nasimabanoo
Abubakar and Ors ... Appellants
V/s.
Mohammed Yahya Mohammed Ayub
and Ors ... Respondents

**WITH
INTERIM APPLICATION NO.3181 OF 2020
IN
FIRST APPEAL (S.T.) NO.3150 OF 2020**

Abubakar Jan Mohd (Since Deceased)
Through Lrs. 1(a) Nasimabanoo
Abubakar and Ors ... Applicants
V/s.
Mohammed Yahya Mohammed Ayub
and Ors ... Respondents

Mr. Vaibhav Sugdare and Shraddha Pawar i/b Nilesh
Patil for the appellants.

Mr. Suresh C. More for the respondents.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 15, 2023

P.C.:

FIRST APPEAL (S.T.) NO.3150 OF 2020

1. Arguable questions are raised.
2. Admit.

3. The appellant to file private paper book within One (1) year from today, failing which the First Appeal shall stand dismissed without further reference to this Court.

4. Liberty to apply for early hearing.

INTERIM APPLICATION 3181 OF 2020

5. The appellants are the original defendants. Respondents filed a suit for possession and perpetual injunction.

6. According to the appellants, they are tenant in the suit property. In support of the said contention declaration executed by the father of the plaintiff recognizing right of tenancy of defendants was filed. The Learned Trial Court while discarding the said document which recognizes the rights of defendants as a tenant held that the said document cannot be termed as document which proves defendant's right.

7. The First Appeal being open on facts and law it requires deeper scrutiny. Therefore, the applicant has made out a case for grant of ad-interim relief as the decree of possession is passed.

8. For the aforesaid reason, Interim Application is allowed in terms of prayer clause (b).

(AMIT BORKAR, J.)