

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

**INTERIM APPLICATION NO.1666 OF 2024
IN
FIRST APPEAL NO.194 OF 2024**

Digitally
signed by
BALAJI
GOVINDRAO
PANCHAL
Date:
2024.04.18
10:17:59
+0530

Khairunnisa Dastagir Shaikh @ Jilani ..Applicant
Versus
Zaibunnisa Gulam Hussain & Anr. ..Respondents

Mr. Suresh Mali a/w Vishnu L. Chaudhari, for the Appellant.
Mr. Asif Memon, for the Respondents.

CORAM : KISHORE C. SANT, J.

DATE : 16th APRIL, 2024

PC.

1. This Application is moved by the original plaintiff, whose suit came to be dismissed. By way of separate order, today this Court has admitted the Appeal of this Applicant. In the suit, the Applicant had claimed right over the suit property as ancestral property. The Trial Court however held that the Applicant does not have right and it is held that the Respondent No.1 has independent right over the property.

2. The Application is opposed by the Respondent No.1, however, looking to the fact that there is common mother of the Applicant and the Respondent, a case is made out to allow the Application only to the extent of granting prayer clause (b), which reads as under :-

“(b) Pending the hearing and final disposal of the First Appeal this Hon’ble Court may be please to restrain the Respondents their servant, agents from selling, transferring, alienating and/or parting with the possession and/or creating any third party right, title interest in respect of the rear portion of the suit Shop No.4, adm 75 Sq.ft. Ground Floor and adm 75 sq.ft. on the mezzanine floor in Noorudin Ibrahim Chawl, Sitafalwadi, Dr. Mascrenhas Road, Mumbai-400 010.”

3. Thus, pending the Appeal, there shall be interim relief in terms of prayer clause (b).

4. The Application stands disposed of.

[KISHORE C. SANT, J.]